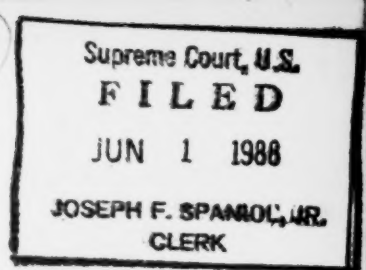


87-1972

No.



IN THE
SUPREME COURT OF THE UNITED STATES
October Term 1987

Vernon Lee Bounds, et al.,

Petitioners,

v.

Robert (Bobby) Smith, et al.,

Respondents.

PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

Lacy H. Thornburg
Attorney General
Andrew A. Vanore, Jr.
Chief Deputy Attorney General
Sylvia Thibaut
Assistant Attorney General
Counsel of Record
N. C. Department of Justice
Post Office Box 629
Raleigh, North Carolina 27602-0629
Telephone (919) 733-7387
Attorneys for Petitioners

33 pp

Questions Presented For Review

This Court, in *Bounds v. Smith*, 430 U.S. 817 (1977), held that inmates have a constitutional right to meaningful access to the courts. North Carolina adopted a law library plan, which was approved by this Court. On August 14, 1984, the Fourth Circuit Court of Appeals remanded this case¹ to the district court to determine whether North Carolina was in compliance with its law library plan. As a result of the State's then counsel of record's gross failure to present evidence of compliance to the district court, the district court ordered the State to provide an attorney assistance plan. The State's motion to reconsider under Rule 60(b) of the Federal Rules of Civil Procedure was denied, although the State presented substantial evidence that it was in compliance with its law library plan.

1. Whether the denial of defendants' Rule 60(b) motion for reconsideration constitutes legal error amounting to an abuse of discretion when the motion was timely made, presented a meritorious defense, demonstrated a lack of unfair prejudice to the opposing party and presented exceptional circumstances as the state officials had timely provided evidence of compliance with their law library plan to their then attorney of record and he, unbeknownst to them, grossly neglected to present it to the court.

2. Whether the district court violated the law of this case, as established by this Court in *Bounds v. Smith*, when it ordered the State of North Carolina to provide a lawyer assistance plan in place of their law library plan, which had been approved by this Court.

1 *Bounds v. Smith*, 430 U.S. 817 (1977), *sub. nom. Harrington v. Holshouser*, 741 F.2d 66 (4th Cir. 1984).

Parties To The Proceeding

Petitioners:

Vernon Lee Bounds, former Commissioner of the North Carolina
Department of Correction

Stanley Blackledge, former Warden of Central Prison

R.L. Turner, former Superintendent of Odom Correctional
Institution

James Holshouser, former Governor of the State of North Carolina

F.R. Moore, former Sergeant at Central Prison

Franklin L. Mahan, former Regional Superintendent

M.S. Lee, former Captain at Washington County Prison Unit

Respondents:

Robert (Bobby) Smith

Ronald D. Carnes

Richard A. Carter

Bradford Mizell Lilly

Donald W. Morgan

Franklin D. Strader

John H. Russell

John Harrington

Alonzo Watts

Clifton Speight

William Ryder

Ira Davis

Ronney McBride

Ray Forbes

Class certified on October 16, 1985 to include "all inmates currently held in North Carolina's prisons as well as all pre-trial detainees who are placed in prisons under the jurisdiction of the Department of Correction prior to conviction."

Questions Presented For Review

This Court, in *Bounds v. Smith*, 430 U.S. 817 (1977), held that inmates have a constitutional right to meaningful access to the courts. North Carolina adopted a law library plan, which was approved by this Court. On August 14, 1984, the Fourth Circuit Court of Appeals remanded this case¹ to the district court to determine whether North Carolina was in compliance with its law library plan. As a result of the State's then counsel of record's gross failure to present evidence of compliance to the district court, the district court ordered the State to provide an attorney assistance plan. The State's motion to reconsider under Rule 60(b) of the Federal Rules of Civil Procedure was denied, although the State presented substantial evidence that it was in compliance with its law library plan.

1. Whether the denial of defendants' Rule 60(b) motion for reconsideration constitutes legal error amounting to an abuse of discretion when the motion was timely made, presented a meritorious defense, demonstrated a lack of unfair prejudice to the opposing party and presented exceptional circumstances as the state officials had timely provided evidence of compliance with their law library plan to their then attorney of record and he, unbeknownst to them, grossly neglected to present it to the court.

2. Whether the district court violated the law of this case, as established by this Court in *Bounds v. Smith*, when it ordered the State of North Carolina to provide a lawyer assistance plan in place of their law library plan, which had been approved by this Court.

1 *Bounds v. Smith*, 430 U.S. 817 (1977), *sub. nom. Harrington v. Holshouser*, 741 F.2d 66 (4th Cir. 1984).

Parties To The Proceeding

Petitioners:

Vernon Lee Bounds, former Commissioner of the North Carolina
Department of Correction

Stanley Blackledge, former Warden of Central Prison

R.L. Turner, former Superintendent of Odom Correctional
Institution

James Holshouser, former Governor of the State of North Carolina

F.R. Moore, former Sergeant at Central Prison

Franklin L. Mahan, former Regional Superintendent

M.S. Lee, former Captain at Washington County Prison Unit

Respondents:

Robert (Bobby) Smith

Ronald D. Carnes

Richard A. Carter

Bradford Mizell Lilly

Donald W. Morgan

Franklin D. Strader

John H. Russell

John Harrington

Alonzo Watts

Clifton Speight

William Ryder

Ira Davis

Ronney McBride

Ray Forbes

Class certified on October 16, 1985 to include "all inmates currently held in North Carolina's prisons as well as all pre-trial detainees who are placed in prisons under the jurisdiction of the Department of Correction prior to conviction."

TABLE OF CONTENTS

Questions Presented For Review	i
Parties To The Proceeding	ii
Table Of Authorities	iv
Opinions Below	1
Statement Of Jurisdiction	2
Constitutional And Statutory Provisions Involved	2
Introduction	4
Statement Of The Case	5
Reasons For Granting The Writ	8
Conclusion	23
Certificate Of Service	24

TABLE OF AUTHORITIES

CASES

<i>Augusta Fiberglass Coatings, Inc. v. Fodor Contracting Corporation</i> , 843 F.2d 808(4th Cir. 1988)	11
<i>Boughner v. Secretary of Health, Education and Welfare</i> , 572 F.2d 976 (3d Cir. 1978)	11, 18
<i>Bounds v. Smith</i> , 430 U.S. 817 (1977)	4, 5, 17, 21, 22
<i>Bounds v. Smith</i> , 813 F.2d 1299 (4th Cir. 1987)	7, 9
<i>Bounds v. Smith</i> , 841 F.2d 77 (4th Cir. 1988)	13
<i>Browder v. Director, Illinois Dept. of Correction</i> , 434 U.S. 257 (1978)	18
<i>Caruso v. Drake Motor Lines, Inc.</i> , 78 F.R.D. 586 (E.D.Pa. 1978)	12
<i>City of Los Angeles v. Lyons</i> , 461 U.S. 95 (1983)	15
<i>Compton v. Alton Steamship Co., Inc.</i> , 608 F.2d 96 (4th Cir. 1979)	13, 17
<i>DeBonavena v. Conforte</i> , 88 F.R.D. 710 (D.Nev. 1981)	11
<i>Dimmitt & Owens Financial, Inc. v. United States</i> , 787 F.2d 1186 (7th Cir. 1986)	11
<i>Fairfax Countywide Citizens v. Fairfax County</i> , 571 F.2d 1299 (4th Cir. 1978)	11
<i>Geronymo v. Joseph Horne Co., Inc.</i> , 80 F.R.D. 86 (D.C.Pa. 1978)	11
<i>Good Luck Nursing Home, Inc. v. Harris</i> , 636 F.2d 572 (D.C.C. 1980)	11
<i>Harrington v. Holshouser</i> , 598 F.2d 614 (4th Cir. 1979) (<i>Harrington I</i>)	5
<i>Harrington v. Holshouser</i> , 741 F.2d 66 (4th Cir. 1984) (<i>Harrington II</i>)	6
<i>Hooks v. Wainwright</i> , 775 F.2d 1433 (11th Cir. 1985), cert. den., ____ U.S. ____ 1986)	17
<i>Huffman v. Pursue, Ltd.</i> , 420 U.S. 592 (1975)	14
<i>James v. United States</i> , 459 U.S. 1044 (1982)	18
<i>King v. Mordowanec</i> , 46 F.R.D. 474 (D.C.R.I. 1969) . .	12

<i>Kirby Forest Industries, Inc. v. United States</i> , 467 U.S. 1 (1984)	18
<i>Clapprott v. United States</i> , 335 U.S. 601 (1948)	17
<i>Link v. Wabash Railroad Co.</i> , 370 U.S. 626 (1962)	18
<i>Lolatchy v. Arthur Murray, Inc.</i> , 816 F.2d 951 (4th Cir. 1987)	11
<i>Naples v. Maxwell</i> , 368 F.2d 219 (6th Cir. 1966), cert. den., 386 U.S. 971 (1967)	9, 19
<i>New York State Health Facilities Association, Inc. v.</i> <i>Carey</i> , 76 F.R.D. 128 (S.D.N.Y. 1977)	9, 10, 19, 20
<i>O'Shea v. Littleton</i> , 414 U.S. 488 (1974)	14
<i>Rizzo v. Goode</i> , 423 U.S. 362 (1976)	4, 14, 15
<i>Sangmeister v. Woodard</i> , 565 F.2d 460 (7th Cir. 1977) .	16
<i>Seven Elves, Inc. v. Eskenazi</i> , 635 F.2d 396 (5th Cir. 1981)	11, 17
<i>Smith v. Bounds</i> , 538 F.2d 541 (4th Cir. 1975)	5
<i>Stevenson v. Reed</i> , 530 F.2d 1207 (5th Cir. 1976)	17
<i>United States v. Berger</i> , 86 F.R.D. 713 (W.D.Pa. 1980)	11
<i>United States v. Moradi</i> , 673 F.2d 725 (4th Cir. 1982) ...	11
<i>United States v. Swift</i> , 286 U.S. 106 (1932)	18
<i>Vincent v. Reynolds Memorial Hospital, Inc.</i> , 728 F.2d 280 (4th Cir. 1984)	11
<i>Wheeler v. City of Pleasant Grove</i> , 746 F.2d 1437 (11th Cir. 1984)	23
<i>Younger v. Harris</i> , 491 U.S. 37 (1971)	14

CONSTITUTIONAL PROVISIONS

United States Constitution, Amendment I	2
United States Constitution, Amendment XIV §1	2

STATUTES

28 U.S.C. §1254(1)	2
42 U.S.C. §1983	2, 3

MISCELLANEOUS

Howard, <i>State and the Supreme Court</i> , 31 Cath. L.Rev. 375 (1982)	16
Rule 60(b), F.R.Civ.P.	2, 3, 20
Note, <i>Standing and Injunctions; The Demise of Public Law Litigation and Other Effects of Lyons</i> , 25 B.C.L.Rev. 765 (1984)	15
Wright, <i>The Law of Federal Courts</i> §52A (4th Ed. 1983)	15
1B <i>Moore's Federal Practice</i> ¶0.404 (1983)	22

No.

**IN THE
SUPREME COURT OF THE UNITED STATES
October Term 1987**

Vernon Lee Bounds, et al.,

Petitioners,

v.

Robert (Bobby) Smith, et al.,

Respondents.

**PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

The petitioners, former officials of the North Carolina Department of Correction, pray that this Court issue its Writ of Certiorari to review the *en banc* judgment of the United States Court of Appeals for the Fourth Circuit, filed March 3, 1988, which affirmed, by vote of 8-4, the panel decision of that court filed March 18, 1987.

Opinions Below

The opinion of the *en banc* Court of Appeals for the Fourth Circuit, affirming the panel decision, is reported at 841 F.2d 77 (4th Cir. 1988), and may be found in the appendix at A-28.

The opinion of the three-judge panel for the Court of Appeals for the Fourth Circuit is reported at 813 F.2d 1299 (4th Cir. 1987), and may be found in the appendix at A-14.

The opinions of the district court are reported at 610 F.Supp. 597 (E.D.N.C. 1985) (order finding defendants not in compliance

with law library plan for failure to present evidence of compliance), 657 F.Supp. 1322 (E.D.N.C. 1985) (initial order denying defendants' motion for reconsideration), and 657 F.Supp. 1327 (E.D.N.C. 1986) (final judgment ordering an attorney assistance plan to replace defendants' law library plan), and may be found in the appendix at A-51, A-570, and A-596, respectively.

Statement Of Jurisdiction

The decision of the *en banc* Fourth Circuit Court of Appeals on rehearing, which was granted by order entered June 18, 1987, was issued on March 3, 1988. This petition for writ of certiorari has been filed within ninety days of that date. Jurisdiction of the Court is, thus, invoked pursuant to 28 U.S.C. §1254(1).

Constitutional And Statutory Provisions Involved

This case involves issues arising under the **First and Fourteenth Amendments to the United States Constitution**, 42 U.S.C. §1983 and Rule 60(b) of the Federal Rules of Civil Procedure.

United States Constitution, Amendment I, provides:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

United States Constitution, Amendment XIV §1, provides:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of

citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

42 U.S.C. §1983 provides:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

Rule 60(b) of the Federal Rules of Civil Procedure, Relief From Judgment or Order, provides:

(b) Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud, etc. On motion and upon such terms as are just, the court may relieve a party or a party's legal representative from a final judgment, order, or proceeding for the following reasons; (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party; (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application; or (6) any other reason jus-

tifying relief from the operation of the judgment. The motion shall be made within a reasonable time, and for reasons (1), (2), and (3) not more than one year after the judgment, order, or proceeding was entered or taken. A motion under this subdivision (b) does not affect the finality of a judgment or suspend its operation. This rule does not limit the power of a court to entertain an independent action to relieve a party from a judgment, order, or proceeding, or to grant relief to a defendant not actually personally notified as provided in Title 28, U.S.C., §1655, or to set aside a judgment for fraud upon the court. Writs of coram nobis, coram vobis, audita querela, and bills of review and bills in the nature of a bill of review, are abolished, and the procedure for obtaining any relief from a judgment shall be by motion as prescribed in these rules or by an independent action. (As amended Dec. 27, 1946, eff. Mar. 19, 1948; Dec. 29, 1948, eff. Oct. 20, 1949; Mar. 2, 1987, eff. Aug. 1, 1987.)

Introduction

This case involves a question of exceptional importance, going to the very heart of the "special delicacy of the adjustment to be preserved between Federal equitable power and State administration of its own law," *Rizzo v. Goode*, 423 U.S. 362, 378 (1976), in that the decision of the Fourth Circuit Court of Appeals deprives the State of North Carolina of its option under this Court's decision in *Bounds v. Smith*, 430 U.S. 817 (1977), to choose between attorneys and law libraries as the method for providing inmates their constitutionally guaranteed right of access to the courts.

Although the petitioners are officials of the North Carolina Department of Correction, the real parties in interest are the sovereign State of North Carolina and its taxpayers. We respectfully request that this Court review the 8-4 *en banc* decision of the Fourth Circuit Court of Appeals forcing the State of North Carolina to hire attorneys for its prisoners rather than provide law libraries as it has done for the past eleven years.

The defendants seek *only* an opportunity to present the evidence, which was timely made available to their former counsel but which unbeknownst to the defendants was not presented to the district court, that their law library system is in compliance with the Constitution and with the orders of the Fourth Circuit Court of Appeals and the district court. The defendants recognize that counsel originally assigned to this case *inexcusably* failed to present that evidence after having been directed to do so by the district court. However, the defendants implore this Court not to deprive the sovereign State of North Carolina and its people of their day in court because of their former counsel's dereliction of duty, of which the defendants were unaware, and without reason to be aware.

Statement Of The Case

This action began in the early 1970's by inmates challenging the adequacy of the North Carolina Department of Correction's legal research facilities. The district court in 1974 ordered the defendants to submit either a plan to provide inmates with adequate legal research facilities or some reasonable alternative. The defendants chose a law library plan, which was approved by the district court. That approval was affirmed by the Fourth Circuit Court of Appeals, *Smith v. Bounds*, 538 F.2d 541 (4th Cir. 1975), and by this Court, *Bounds v. Smith*, 430 U.S. 817 (1977).

In 1978 the district court, upon finding the defendants in compliance with their law library plan, dismissed the case. Plaintiffs appealed and the Fourth Circuit Court of Appeals vacated the district court's order, *Harrington v. Holshouser*, 598 F.2d 614 (4th Cir. 1979) (*Harrington I*), and remanded the matter for further consideration. (A-1)

After discovery and a hearing, the district court again dismissed the action. The plaintiffs appealed to the Fourth Circuit Court of Appeals, which affirmed in part, vacated in part, and remanded for fact finding on the following three issues of compliance: (1) training of inmate paralegals; (2) availability of copying facilities for indigent inmates; and (3) actual use versus requested use of the law libraries.

Harrington v. Holshouser, 741 F.2d 66 (4th Cir. 1984) (***Harrington II***). (A-6)

On December 21, 1984, the district court ordered the defendants to file within thirty days a certificate of compliance on the three issues noted in ***Harrington II***. (A-42) The defendants' in-house counsel, having received notice of this order, proceeded to gather the necessary information needed to show that the defendants were in compliance with their law library plan. (A-76) The defendants' in-house counsel contacted then-counsel of record, Special Deputy Attorney General Jacob Safron, to inquire as to exactly what he needed to demonstrate compliance. (A-77) Mr. Safron assured the defendants' in-house counsel that he would take care of the matter and would contact them if necessary. (A-78; A-577-578) Mr. Safron then deliberately and inexcusably failed to respond to the district court's December 21 order, and did not notify either the defendants or their in-house counsel that he had not responded to the district court's order. (A-73)

On January 30, 1985, the defendants not yet having filed any evidence of compliance, the plaintiffs moved the district court to find that the defendants were not in compliance. Again, Mr. Safron did not respond and there is no evidence in the record that he notified either the defendants or their in-house counsel of this motion. Nor is there any evidence that the defendants became aware of that motion through any other avenue.

On May 14, 1985, the district court, understandably incensed by the defendants' apparent contempt of its order, entered an order (1) finding that the defendants were out of compliance with their law library plan, and (2) directing the defendants to provide to the court a new plan which included attorney assistance. (A-51) This finding of noncompliance was entered without the district court receiving any evidence of noncompliance and without the plaintiffs or the district court ever attempting to compel the defendants to provide evidence of compliance. Simply stated, the district court found the defendants out of compliance because of Mr. Safron's failure to present to the court the evidence which the defendants had timely prepared and made available to him.

Immediately upon learning of the May 14, 1985, district court order, North Carolina Attorney General Lacy Thornburg, who had been in that office only since January 5, 1985 (A-74), appointed new counsel to represent the defendants. (A-69) On June 13, 1985, pursuant to Rule 60(b) of the Federal Rules of Civil Procedure, the defendants, under the guidance of their newly appointed counsel, filed a motion for reconsideration of the district court's May 14, 1985 order. (A-70) Supporting this motion were affidavits showing that the defendants had complied with their law library plan. (A-76, 89, 103, 106, 138, 170) The plaintiffs have never contradicted the defendants' evidence of compliance. Nor have the plaintiffs shown that they were injured or prejudiced in any manner by Mr. Safron's flouting of the court's order. Nevertheless, the district court denied the defendants' motion for reconsideration in an order entered July 29, 1985 (A-570), although noting in the order that "the materials attached to defendants' motion [for reconsideration] do indicate that the state was making efforts to comply with its plan...."(A-571)

The defendants made two further attempts to persuade the district court to hear their evidence of compliance by filing two renewed motions for reconsideration. (A-580; A-587) Both were denied. (A-585; A-590) On April 10, 1986, the district court entered judgment replacing the defendants' chosen law library plan with a court mandated plan that provided for licensed attorneys. (A-596) The defendants appealed. (A-598)

The three-judge panel for the Fourth Circuit Court of Appeals entered its order on March 18, 1987, affirming the district court.² (A-14) The defendants petitioned for rehearing and suggested a rehearing *en banc*. A rehearing *en banc* was granted and on March 3, 1988, the *en banc* order was entered, again affirming the district court. (A-

2 However, the Fourth Circuit panel also found that "[t]he documents submitted to the district court in support of the motion for reconsideration indicated that the state law library system may have been in compliance with constitutional requirements." 813 F.2d at 1303. (A-22)

28) Four members of the Fourth Circuit joined in a dissent, written by the Honorable H. Emory Widener, Circuit Judge. Judge Widener concluded that the district court had abused its discretion by denying the defendants' motion for reconsideration and that the district court had failed to comply with the Fourth Circuit's mandate. (A-30)

The defendants respectfully petition this Court to review the findings of the Fourth Circuit and district court.

REASONS FOR GRANTING THE WRIT

I. THE EXCEPTIONAL CIRCUMSTANCES IN THIS CASE, IGNORED BY THE LOWER COURTS, REQUIRE THIS COURT TO EXERCISE ITS SUPERVISORY POWERS.

Although the named defendants in this matter are officials of the North Carolina Department of Correction, the real parties in interest are the State of North Carolina and its taxpaying citizens. Having no remedy, the State of North Carolina and its taxpayers will bear the continuing burden of defendants' former counsel's gross negligence. The lower courts acknowledged that the defendants were most likely in compliance with their law library plan and that reconsideration would not prejudice the plaintiffs. Yet, in an apparent attempt to punish defendants' former counsel, the lower courts failed to acknowledge that their refusals to reconsider would cause a draconian punishment to the State of North Carolina.

On June 13, 1985, less than one month after the district court's May 14, 1985 noncompliance order, the defendants, through new counsel, filed a motion for reconsideration pursuant to Rule 60(b). (A-70) Affidavits attached to that motion demonstrated that defendants were in compliance with their law library plan and that Mr. Safron had the evidence of compliance available to him for timely presentation to the court. (A-72, 76, 89, 103, 106, 138, 170)

Plaintiffs' objections to the motion for reconsideration did not allege that they had suffered any actual injury during the approximately four and one-half month delay from the time the evidence

should have been presented and its presentation on June 13, 1985. Nor did plaintiffs' objections contain evidence, or reference to evidence, that defendants were not in compliance with their law library plan.

The district court denied the defendants' motion for reconsideration, although specifically finding that the motion was timely and that "the materials attached to defendants' motion indicate that the State was making efforts to comply with its plan," but held that the defendants had "totally failed to show exceptional circumstances in this case." (A-572) The district court ordered the defendants to submit a plan for attorney assistance to replace their law library plan, notwithstanding the evidence that the defendants were, most likely, in compliance with their law library plan.

The defendants filed two more motions for reconsideration with the district court (A-580; A-587), and both were denied. (A-585; A-590) In its order denying the third motion for reconsideration, the district court indicated that the defendants should have been aware of Mr. Safron's deliberate disregard of the district court's December 21, 1984 order to show compliance based on that attorney's past conduct in this case and glossed over the fact that the taxpayers of North Carolina would be ultimately responsible for funding the court-ordered attorney assistance plan. (A-594)

The Fourth Circuit, upon review, likewise found that the defendants' motion was "timely and premised on a meritorious defense." The Appeals Court also found that there was "no reason to believe that the plaintiffs would have been prejudiced by a reconsideration based on the merits of the defendants' argument that they are in compliance." 813 F.2d at 1303. (A-22) Again, however, there was a finding that the defendants had failed to show exceptional circumstances.

This is a clear case of exceptional circumstances. First, despite the district court's cursory dismissal of *Naples v. Maxwell*, 368 F.2d 219 (6th Cir. 1966), *cert. den.*, 386 U.S. 971 (1967), and *New York State Health Facilities Association, Inc. v. Carey*, 76 F.R.D. 128 (S.D.N.Y. 1977), these are the *only* two cases either party

or the district court found which concerned gross negligence by state attorneys in their representation of the state.³ In these cases, upon motions pursuant to Rule 60(b), the courts granted relief to the states. In the *Carey* case, the state attorneys not only failed to answer an amended complaint, but also failed to respond to plaintiffs' Application and Notice for Entry of Default Judgment. 76 F.R.D. at 129. It was not until the court entered a judgment by default, *some four-and-one-half months* after the original answer was due, that the state attorneys filed their Rule 60(b) motion. The *Carey* court, granting the Rule 60(b) motion, specifically distinguished its case from that of a private entity who was represented by private counsel since

the real party in interest here is the State of New York. The citizens of New York had only the remotest control over the conduct of this case, through their civil servants. The Court believes it would be unfair to subject New York taxpayers to the added expense occasioned by this judgment, solely because of the neglect of their attorney.

76 F.R.D. at 133. The *Carey* case is quite similar to the one at bar. In both cases defendants' counsel did not timely respond to court orders on more than one occasion. In both cases the order granting defendants' 60(b) motion came as the result of a four-and-one-half month gap between the time for response and the entry of the court's order. In both cases the taxpayers, who had virtually *no* control over the state attorneys, faced the ultimate responsibility for the state attorneys' malfeasance. Burdening innocent taxpayers with a draconian penalty for a state attorney's grossly negligent acts is an abuse of discretion. The fact that it is the taxpayers and the State of North Carolina who are the real parties of interest is an exceptional

3 The Fourth Circuit failed to mention either of these two cases in its opinions.

circumstance. See *Dimmitt & Owens Financial, Inc. v. United States*, 787 F.2d 1186, 1193 (7th Cir. 1986).

Second, unlike a private citizen, the state officials in this case had no choice of counsel⁴ and no avenue of relief from counsel's gross negligence, other than their motion for reconsideration. Unlike a private citizen, they cannot bring a malpractice action against Mr. Safron. Surely, this lack of remedy is an exceptional circumstance.

Third, contrary to the general rule that blameless defendants are entitled to reconsideration under Rule 60(b) when they have been deprived of their "day in court" by a grossly negligent attorney, recognized by even the Fourth Circuit, the defendants here were blameless and were denied their day in court. See, i.e., *Augusta Fiberglass Coatings, Inc. v. Fodor Contracting Corporation*, 843 F.2d 808 (4th Cir. 1988) (Rule 60(b) motion granted; district court failed to distinguish between the failure or neglect of counsel and the neglect of defendant); *Lolatchy v. Arthur Murray, Inc.*, 816 F.2d 951 (4th Cir. 1987) (Rule 60(b) motion granted because defendants blameless and lesser sanctions available); *Vincent v. Reynolds Memorial Hospital, Inc.*, 728 F.2d 280 (4th Cir. 1984) (Rule 60(b) motion granted as no other relief available to movant); *United States v. Moradi*, 673 F.2d 725 (4th Cir. 1982) (Rule 60(b) motion granted due to attorney's rather than party's neglect); *Fairfax Countywide Citizens v. Fairfax County*, 571 F.2d 1299 (4th Cir. 1978); *Seven Elves, Inc. v. Eskenazi*, 635 F.2d 396 (5th Cir. 1981) (Rule 60(b) motion granted because defendants denied opportunity to present their case by gross neglect of their attorney); *Boughner v. Secretary of Health, Education and Welfare*, 572 F.2d 976 (3d Cir. 1978) (Rule 60(b) motion granted due to gross neglect of plaintiffs' attorney); *DeBonavena v. Conforte*, 88 F.R.D. 710 (D.Nev. 1981); *United States v. Berger*, 86 F.R.D. 713 (W.D.Pa. 1980); *Good Luck Nursing Home, Inc. v. Harris*, 636 F.2d 572 (D.C.C. 1980); *Geronymo v. Joseph Horne Co., Inc.*, 80 F.R.D. 86

4 When these cases were initially consolidated in 1974, Mr. Safron was the only state attorney in the Attorney General's Office of North Carolina who represented the Department of Correction.

(D.C.Pa. 1978); *Caruso v. Drake Motor Lines, Inc.*, 78 F.R.D. 586 (E.D.Pa. 1978); *King v. Mordowanec*, 46 F.R.D. 474 (D.C.R.I. 1969) (Rule 60(b) appropriate for gross negligence of lawyer).

In response to the district court's December 21, 1984 compliance order, the defendants diligently prepared and made available to Mr. Safron materials showing their compliance. (A-76, 89, 103, 106, 138, 170) The defendants provided Mr. Safron with a copy of the amended Department of Correction inmate photocopying policy. (A-77; A-79) Additionally, defendants gathered evidence that inmate paralegals had been trained and that inmates had access to the law libraries. This information was made available to Mr. Safron and later submitted with defendants' initial motion for reconsideration. (A-72, 76, 89, 103, 106, 138, 170) Mr. Safron simply did not present the evidence of compliance to the district court, and he never advised the defendants that it was his intention to so abandon them. In fact, to the contrary, since the defendants had Mr. Safron's long history of able and successful representation of them in the district courts, as well as the Fourth Circuit Court of Appeals and this Court, they had no reason to believe Mr. Safron would not continue to ably represent them.⁵ Thus, the defendants' diligent preparation of their defense in

5 Judge Widener stated in his dissenting opinion:

Mr. Safron was licensed to practice law in 1957. He joined the Attorney General's office of the State of North Carolina in 1968. He has personally appeared before the United States Supreme Court as counsel representing the State on seven occasions, successful in each. In this court, he has appeared 128 times, beginning in 1972, zealously representing the State. In an affidavit filed by Mr. Safron, he admitted with candor his neglect of duties in not responding to the December 21st order, and, expressing his deep regret and abject apology to the court for that neglect, took full responsibility. Additionally, James C. Woodard, Secretary of the Department of Corrections from 1981-84, filed an affidavit stating that he had no reason to doubt Mr. Safron's "most thorough" handling of the case as he had always done excellent work in the past for the Department.

this case, which was timely presented to their former counsel, coupled with former counsel's gross negligence in failing to present that evidence of compliance to the court, which was effectively an abandonment of the defendants, is an exceptional circumstance demanding reconsideration.

Fourth, the harshness of the district court's remedy is evident in the drastic difference in cost of the State's law library plan, \$60,000.00 a year, compared to the estimated cost of the court's attorney assistance plan, \$360,000.00 a year. Imposing a remedy six times the annual cost of the defendants' present plan year in and year out *forever* without a review of the defendants' present plan, is clearly an abuse of discretion. *Compton v. Alton Steamship Co., Inc.*, 608 F.2d 96 (4th Cir. 1979).

Fifth, the lower courts failed to consider any lesser sanctions prior to forcing upon the State of North Carolina an entirely new remedy. Mr. Safron could have been held in contempt or charged with plaintiffs' expenses attending delay, including attorney's fees. The defendants themselves could have been held in contempt. There is nothing in the record to suggest that any of these lesser remedies

(FOOTNOTE 5 CONTINUED)

In affidavits filed by Mr. Safron's coworkers on the case, the State showed that no one other than himself was aware of his ongoing negligence in answering the December 21, 1984 order. Despite this, the majority places the blame for a single attorney's actions on the State when the record shows that the State had little or no knowledge of the attorney's then contemporaneous actions and completely relied on his work, being assured by his past accomplishments. Mr. Safron had never shown dereliction in the past representing the State and the Department of Corrections, both of which placed their confidences in his abilities to properly conduct the case. The record discloses no reason that the State should have doubted his conduct of the ongoing litigation. But, despite these facts, the district court, and now this court, has foreclosed all consideration of the facts going to the merits of the case due to the neglect of one State's attorney who was in the sole position to monitor compliance with the district court's order.

would not have promptly cured the failure to respond. To the contrary, the May 14, 1985 order brought forth an immediate response, including appointment of new counsel for the defendants and the timely filing of substantial evidence of defendants' compliance with their law library plan. (A-69; A-70) The absence of any consideration of a lesser sanction is an exceptional circumstance meriting reconsideration.

Sixth, injunctive relief, especially mandatory injunctive relief, is an extraordinary remedy which should not lightly be granted, but should be used sparingly and cautiously after thoughtful deliberation and with a full conviction on the part of the court of its urgent necessity. In the case at bar the district court entered its order granting mandatory injunctive relief in the absence of *any* evidence establishing irreparable injury to the plaintiffs, which is a legal prerequisite for such relief. This was an impermissible interference in the internal operations of the defendants' prison system.

This Court has often recognized the "special delicacy of the adjustment to be preserved between federal equitable power and state administration of its own law." *Rizzo v. Goode*, 423 U.S. 362, 378 (1976). Beginning in *Younger v. Harris*, 491 U.S. 37 (1971), this Court barred federal intervention in state criminal proceedings holding that "Our Federalism" represents

a system in which there is sensitivity to the legitimate interests of both State and National Governments, and in which the National Government, anxious though it may be to vindicate and protect federal rights and federal interests, always endeavors to do so in ways that will not unduly interfere with the legitimate activities of the states.

401 U.S. at 44. *Younger* was followed by a number of cases reiterating that principle. See, e.g., *Huffman v. Pursue, Ltd.*, 420 U.S. 592 (1975); *O'Shea v. Littleton*, 414 U.S. 488 (1974).

This Court has not limited considerations of "Our Federalism" to cases in which an injunction is being sought against

the judicial branch of state government, but has also applied it when relief is requested against those in charge of an executive branch agency. Wright, *The Law of Federal Courts* §52A (4th Ed. 1983). In both *Rizzo v. Goode*, *supra*, and *City of Los Angeles v. Lyons*, 461 U.S. 95 (1983), this Court held that injunctive relief in suits under §1983 was inappropriate to govern the internal operations of state and local law enforcement agencies even though those operations were implicated in constitutional violations.

The application of the principles of federalism in these cases has

established the principle that except in extraordinary circumstances where the danger of irreparable injury is "both great and immediate," a federal court may not issue an injunction that intrudes into the internal affairs of an executive branch of state government.

Note, *Standing and Injunctions; The Demise of Public Law Litigation and Other Effects of Lyons*, 25 B.C.L.Rev. 765, 780 (1984).

There is a special reluctance to intervene in the operation of state institutions where

[s]weeping use of federal equity power has obvious implications for federalism. When a judge undertakes systematic relief, he displaces the elected and appointed officials who normally supervise the state or local function that is the object of that litigation. Systematic relief typically goes beyond the traditional negative prohibition of telling an official not to do something and imposes affirmative obligations upon state or local officials. There is a genuine danger of a judge's "tunnel vision"; concerned with a problem placed before him in the particular lawsuit, for example appalling conditions in a mental hospital, he has no occasion to be concerned about the impact of his ruling on limited state or local financial resources. Understandably, the judge is likely to say that

constitutional rights cannot be denied by an appeal to budget difficulties. As a result public resources may fund a function or service which is the subject of litigation at the expense of other valuable services not before the court. This is not intended to insinuate that a judge does not act out of felt necessity and on the basis of demonstrated need, but it does call attention to the extent which systematic reforms, undertaken through the federal court's equity powers, displace the normal democratic and political process.

Howard, *State and the Supreme Court*, 31 Cath. L.Rev. 375, 426 (1982).

The plaintiffs clearly could have requested the district court to issue an order to the defendants to show cause why they should not be held in contempt for failure to respond to the court's December 21, 1984 order. Instead, foregoing their legal remedy, the plaintiffs requested the district court to impose extraordinary equitable relief with no showing that such relief was justified--in other words a request made in a vacuum. As stated by the Seventh Circuit Court of Appeals in *Sangmeister v. Woodard*, 565 F.2d 460, 468 (7th Cir. 1977):

As a general rule, courts of equity need not impose specific requirements absent some reason to believe that a less restrictive approach will fail to remedy the constitutional violation.... [There is a] need for evidence that state officials will continue to violate the constitution before specific remedies should be imposed. As the Court in *Swann v. Charlotte-Mecklenburg Board of Education*, 402 U.S. 1, 28 L.Ed.2d 554, 91 S.Ct. 1267 (1971) stated: 'Judicial authority enters only when local authority defaults.' 402 U.S. at 16, 94 S.Ct. at 1276.

The defendant state officials in the case at bar were not violating the plaintiffs' constitutional right of access to the courts as is evidenced by the affidavits and documentation attached to their motion for reconsideration. The defendants had chosen a method by which to provide inmates with access to the courts and were in com-

pliance with their chosen method. The prerogative of prison officials to make that choice was clearly given by this Court in the case at bar and its progeny. *Bounds v. Smith*, 430 U.S. 817 (1977); *Hooks v. Wainwright*, 775 F.2d 1433 (11th Cir. 1985), *cert. den.*, ____ U.S. ____ (1986); *Stevenson v. Reed*, 530 F.2d 1207, 1382 (5th Cir. 1976). The relief fashioned here by the district court was not the least intrusive necessary, but went far beyond the district court's proper judicial function. Thus, the district court violated the principles of federalism; the plaintiffs are clearly not entitled to the extraordinary injunctive relief granted them; and the district court abused its discretion in granting such relief.

Rule 60(b) "vests power in courts adequate to enable them to vacate judgments whenever such action is appropriate to accomplish justice." *Klapprott v. United States*, 335 U.S. 601, 615 (1948). The Fourth Circuit Court of Appeals has referred to Rule 60(b) as the "catch-all" clause because it provides a court with "a grand reservoir of equitable power to do justice in a particular case." *Compton v. Alton Steamship Co.*, 608 F.2d at 106.

In a case similar to the one at bar, *Seven Elves, Inc. v. Eskenazi*, 635 F.2d 396 (5th Cir. 1981), default judgment was entered against the defendants due to their attorney's failure to appear in court and failure to notify them that he planned to no longer represent them. The Fifth Circuit Court of Appeals, vacating the default judgment because the defendants "were denied an adequate opportunity to present their case by the gross neglect of their attorney," 635 F.2d at 400, had the following to say:

By its very nature, [Rule 60(b)] seeks to strike a delicate balance between two countervailing impulses; the desire to preserve the finality of judgments and the 'incessant command of the court's conscience that justice be done in light of *all* the facts.' In this light, it is often said that the rule should be liberally construed in order to do substantial justice. What is meant by this general statement is that, although the desideratum of finality is an important goal, the justice-function of the courts demands that it must yield, in appropriate circumstances, to the equities of the

particular case in order that the judgment might reflect the true merits of the cause. (emphasis in original)

* * *

[W]here denial of relief precludes examination of the full merits of the cause, *even a slight abuse may justify reversal.*

Id. at 401-02 (emphasis added).

In another similar case, *Boughner v. Secretary of Health, Education, and Welfare*, 572 F.2d 976, 977 (3d Cir. 1978), the Third Circuit Court of Appeals, granting a Rule 60(b) motion, characterized the plaintiffs' attorney's behavior as "egregious conduct amount[ing] to nothing short of leaving his clients unrepresented." The Third Circuit distinguished this type situation from that present in *Link v. Wabash Railroad Co.*, 370 U.S. 626 (1962), because in *Link* this Court, dismissing the matter under Rule 41(b), "expressly indicates the aggrieved party never availed himself of a corrective remedy such as the 'escape hatch provided by Rule 60(b).'"⁶ 572 F.2d at 978. The *Boughner* court added that a judgment that precluded an adjudication on the merits "constitut[ed] the 'extreme and unexpected hardship' addressed by the Supreme Court in *Swift [United States v. Swift]*, 286 U.S. 106, 119 (1932)." 572 F.2d at 979.

The defendants are not asking this Court to find them in compliance with their law library plan. All the defendants ask is that they be given a chance to show that they are in compliance with that plan. *The defendants simply want their day in court.* The defendants believe that the lower courts' refusal to "tap that grand reservoir of equitable

6 This Court has made such references in other cases. See, i.e., *Kirby Forest Industries, Inc. v. United States*, 467 U.S. 1, 18 (1984); *Browder v. Director, Illinois Dept. of Correction*, 434 U.S. 257, 272 (1978).

power" was an abuse of discretion and ask this Court to grant this petition so that they may show that the equities in this case are in their favor and merit reconsideration.

II. THE PETITION SHOULD BE GRANTED TO
RESOLVE THE APPARENT CONFLICT AMONG
THE CIRCUITS REGARDING THE FACTORS
NECESSARY FOR GRANTING A RULE 60(b)
MOTION BASED ON A STATE ATTORNEY'S
GROSSLY NEGLIGENT REPRESENTATION OF
THE STATE.

This Court's review of the Fourth Circuit's *en banc* decision, which adopted and briefly expanded the panel opinion, is warranted because that decision is in significant conflict with at least two other circuits which have had the opportunity to decide a Rule 60(b) motion based on a state attorney's grossly negligent representation of the State. See, i.e., *Naples v. Maxwell*, *supra*, and *New York State Health Facilities Assn., Inc. v. Carey*, *supra*. These circuits, the Sixth and the Second, have held that a Rule 60(b) motion based on a state attorney's gross negligence should be granted.

In *Naples v. Maxwell*, a state attorney made a recommendation to the district court, during a habeas hearing, which was contrary to the tenor of the State's brief. The district court, acting under that recommendation, granted the writ without a determination on the merits. Upon being informed of the situation, the Attorney General immediately filed a Rule 60(b) motion, claiming the assistant attorney general who had made the contrary recommendation was guilty of neglect in that he had no authority to make such a recommendation. 368 F.2d at 220. An affidavit to that effect was filed by the assistant attorney general. The district court denied the motion. The Sixth Circuit Court of Appeals reversed and remanded for a hearing on the merits, holding that the neglect of the assistant attorney general "was excusable and could not have been avoided on the part of the Attorney General, the counsel for the respondent," and that "[b]ecause of this neglect and in the interest of justice, under Rule 60(b)," the district court's order was vacated. 368 F.2d at 220.

In *New York State Health Facilities Assn., Inc. v. Carey*, state attorneys failed to answer petitioners' amended complaint filed December 3, 1975, which challenged New York health regulations. Some three-and-one-half months later, petitioners filed for a default judgment and the state attorneys again failed to respond. On April 20, 1976, judgment by default was entered against the State, declaring the controverted regulations to be violative of both federal and state laws and the New York and federal constitutions. 76 F.R.D. at 129. Prior to the entry of default judgment, petitioners made numerous attempts to advise the state attorney of the default. 76 F.R.D. at 132.

Immediately following entry of default, petitioners sent a copy of the judgment to the actual defendants, who made no response. On August 5, 1976, over seven months after the defendants' original answer was due and three-and-one-half months after entry of default judgment, defendants filed a Rule 60(b) motion.

Although characterizing the defendants' delay as "egregious," and finding no excusable neglect, the district court granted defendants' motion under Rule 60(b)(6) because

the real party in interest here is the State of New York. The citizens of New York had only the remotest control over the conduct of this case, through their civil servants. The Court believes it would be unfair to subject New York taxpayers to the added expense occasioned by this judgment, solely because of the neglect of their attorney.

76 F.R.D. at 133. Noting other cases which held that a client is responsible for his attorney's neglect, the court found this case distinguishable "on the *critical* fact that defendants herein are state officials represented by attorneys in the employ of the State." *Id.* (emphasis added). These defendants were not able to retain new counsel at will, such as could a private litigant. However, the court did propose a sanction for the defendants' unconscionable delay and neglect so as to give them incentive to litigate diligently:

Since the purpose of reopening the default is to prevent one miscarriage of justice, not to cause another, prospectivity [for damages assessment purposes] will be measured from the date of the original judgment, April 20, 1976.

Id.

Viewed in the context of these two cases, it is apparent that there is a clear conflict between them and the case at bar. All the reasons given for granting the Rule 60(b) motions in the Second and Sixth Circuit cases are present in the case at bar and justify reconsideration. Accordingly, this issue warrants review at this time to resolve this conflict.

III. THE DISTRICT COURT VIOLATED THE LAW OF THIS CASE, AS ESTABLISHED BY THIS COURT IN *BOUNDS v. SMITH*, 430 U.S. 817 (1977), WHEN IT ORDERED THE STATE OF NORTH CAROLINA TO REPLACE ITS SYSTEM OF PROVIDING INMATES ACCESS TO THE COURTS WITH AN ENTIRELY NEW SYSTEM.

This Court held in 1977 in this case that

the fundamental constitutional right of access to the courts requires prison authorities to assist inmates in the preparation and filing of meaningful legal papers by providing prisoners with adequate law libraries or adequate assistance from persons trained in the law.

430 U.S. at 828 (emphasis added). This Court went on to discuss, however, that this holding did not unduly intrude into the State's administration of its prisons because

the courts below scrupulously respected the limits on their role. The District Court initially held only that petitioners had violated the "fundamental constitutional guarantee," *ibid.*, of access to the courts ...

[and] did not thereupon thrust itself into prison administration. Rather, it ordered petitioners themselves to devise a remedy for the violation, *strongly suggesting that it would prefer a plan providing trained legal advisors*. [Defendants] chose to establish law libraries, however, and their plan was approved with only minimal changes over the strong objections of [plaintiffs]. Prison administrators thus exercised wide discretion within the bounds of constitutional requirements in this case.

430 U.S. at 832-33 (emphasis added). Thus, the law of this case, as established by this Court, is that it is the *State's* choice of the manner in which it will provide inmates access to the courts. This Court even recognized that economic factors may be considered by a state when choosing its plan. 430 U.S. at 825.

The law of the case doctrine is clearly set forth in 1B Moore's **Federal Practice** ¶0.404[1], pp. 117-18 (1983):

Under the doctrine of the law of the case, a decision on an issue of law made at one stage of a case becomes a binding precedent to be followed in successive stages of the same litigation. This principle has sometimes been thought of as a variety of the *res judicata* principle, and in the context of successive appeals thought to rest on jurisdictional principles. As applied in the federal courts today, it bears a close resemblance to the doctrine of *stare decisis*. Like *stare decisis*, it serves the dual purpose of: (1) protecting against the agitation of settled issues; and (2) assuring the obedience of inferior courts to the decisions of superior courts....A court that makes a decision has the *power* to reconsider it, so long as the case is within its jurisdiction. But after the law of the case is determined by a superior court, the inferior court lacks authority to depart from it, and any change must be made by the superior court that established it, or by a court to which it, in turn, owes obedience.

(Emphasis added).

The main purpose of the law of the case, then, is to "protect against the agitation of settled issues and assure obedience of lower courts to the decisions of appellate courts." *Wheeler v. City of Pleasant Grove*, 746 F.2d 1437, 1440 (11th Cir. 1984). This Court specifically left to the State of North Carolina and its public officers the choice of which alternative to choose to provide inmates access to the courts. North Carolina chose a law library system. The lower courts do not have the authority to replace North Carolina's chosen system; the lower courts do, however, have the duty to ensure that North Carolina's chosen plan is constitutionally adequate.

The district court clearly had the option to issue an order to the defendants to show cause why they should not be held in contempt for failure to comply with the order to show compliance. In fact, the district court had a *duty* to ensure that North Carolina's law library plan is constitutionally adequate. Instead, the district court chose to ignore the law of this case and made its own choice of a plan to ensure inmates access to the court. This was a clear abuse of discretion.

CONCLUSION

For the reasons set forth above, the petition for certiorari should be granted.

Respectfully submitted,
LACY H. THORNBURG
Attorney General

Andrew A. Vanore, Jr.
Chief Deputy Attorney General

Sylvia Thibaut
Assistant Attorney General
Counsel for Petitioners
State of North Carolina
N. C. Department of Justice
P. O. Box 629
Raleigh, North Carolina 27602
Telephone: (919) 733-7387

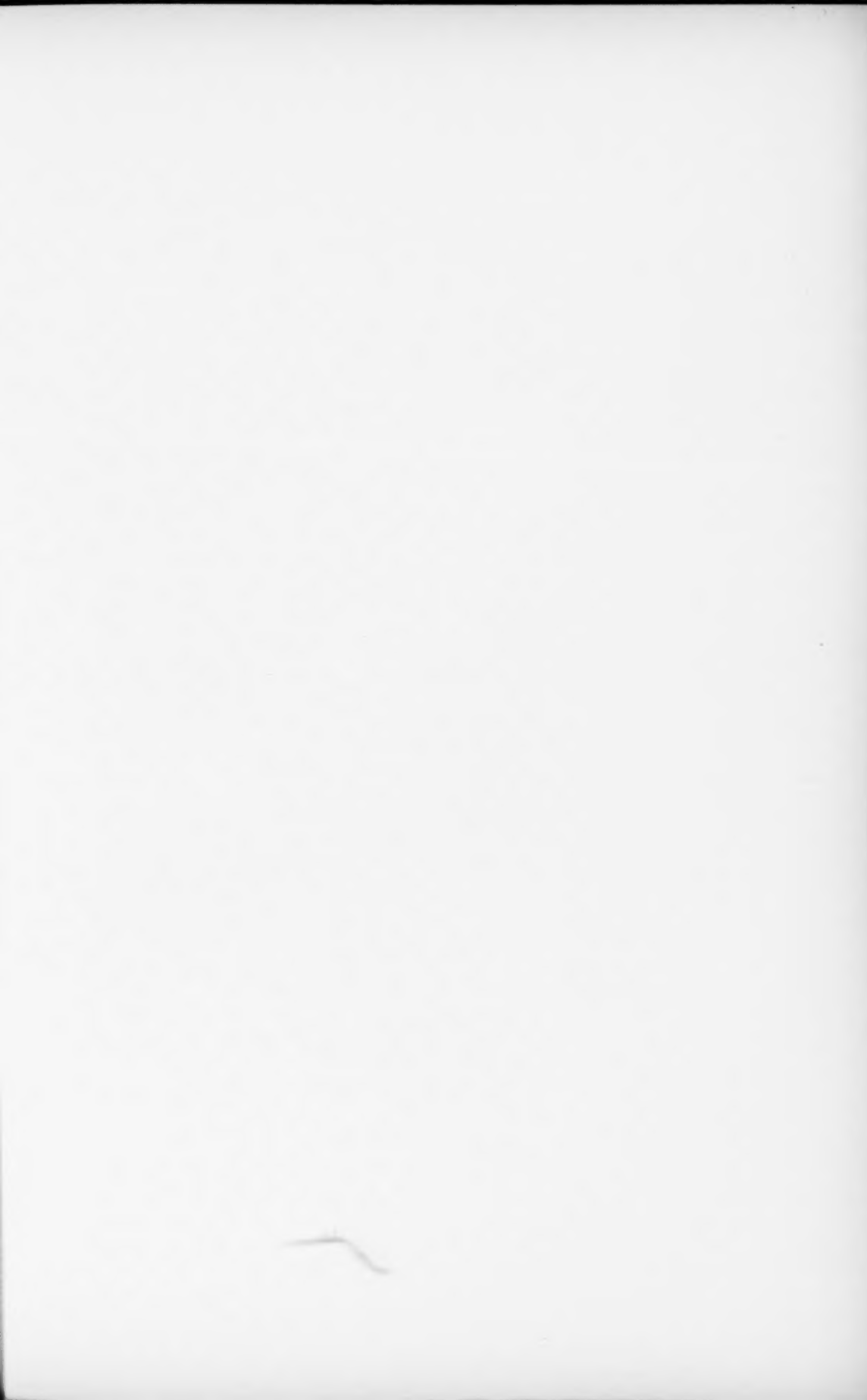
CERTIFICATE OF SERVICE

I hereby certify that three (3) true and correct copies of the foregoing Petition for Certiorari have been served upon the following by depositing three (3) copies of the same in the United States Mail, postage prepaid, addressed to:

Mr. Barry Nakell
Professor of Law
The University of North Carolina at Chapel Hill
Van Hecke-Wettach Hall 064A
Chapel Hill, North Carolina 27514

This the 1st day of June, 1988.

Sylvia Thibaut
Assistant Attorney General
Counsel for Petitioners



87-1972

No. _____

Supreme Court, U.S.

FILED

JUN 1 1988

JOSEPH F. SPANOL, JR.
CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM 1987

VERNON LEE BOUNDS, *et al.*,

Petitioners,

v.

ROBERT (BOBBY) SMITH, *et al.*,

Respondents.

**PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

**APPENDIX
VOLUME I**

LACY H. THORNBURG

Attorney General of
North Carolina

Andrew A. Vanore, Jr.
Chief Deputy Attorney General

Sylvia Thibaut
Assistant Attorney General

N.C. Department of Justice
P.O. Box 629
Raleigh, N.C. 27602
Telephone: (919) 733-7188

ATTORNEYS FOR PETITIONERS



INDEX TO APPENDICES

	Page No.
VOLUME I	
Appendix A.	<i>Harrington v. Holshouser</i> , No. 79-6254 (4th Cir. May 14, 1979) [unpublished]. A-1
Appendix B.	<i>Harrington v. Holshouser</i> , 741 F.2d 66 (4th Cir. 1984). A-6
Appendix C.	<i>Smith v. Bounds</i> , 813 F.2d 1299 (4th Cir. 1987). A-14
Appendix D.	<i>Smith v. Bounds</i> , 841 F.2d 77 (4th Cir. 1988). A-28
Appendix E.	42 U.S.C. § 1983. A-39
Appendix F.	First Amendment, United States Constitution. A-39
Appendix G.	Fourteenth Amendment, Section 1, United States Constitution. A-39
Appendix H.	Rule 60, Federal Rules of Civil Procedure. . A-40
Appendix I.	District court order of 21 December 1984 directing defendants within 30 days to come forward with evidence of compliance with three issues remanded by Fourth Circuit in <i>Harrington v. Holshouser</i> , 741 F.2d 66 (4th Cir. 1984). A-42
Appendix J.	District court order and opinion of 14 May 1985 vacating defendants' law library plan and directing both parties to file plans to replace law libraries with licensed attorneys. A-51
Appendix K.	29 May 1985 letter advising district court of appointment of new counsel for defendants. A-69
Appendix L.	Defendants' 13 June 1985 initial motion for reconsideration of district court's 14 May 1985 order. Attached to this motion were the affidavits of Jacob L. Safron, Lacy H. Thornburg, Barbara A. Shaw, Michael Lamm, Maurice R. Baker, Aaron J. Johnson, Nathaniel O. Boykin, and Jerry M. Price. . . A-70

Appendix M.	Affidavit of Jacob L. Safron, who admits that he negligently failed to respond to the district court's 21 December 1984 order; offers his abject apology for this failure; admits that no one authorized him to so act; and states that the defendants had actively prepared the documents he needed to timely respond. . . .	A-72
Appendix N.	Affidavit of Lacy H. Thornburg, noting that his staff consists of 124 attorneys and that he was not aware of Mr. Safron's inexcusable neglect until the district court order of 14 May 1985.	A-74
Appendix O.	Affidavit of Barbara A. Shaw, Department of Correction employee, who gathered the evidence to show defendants' compliance with their law library plan and informed Mr. Safron that such evidence was available for him.	A-76
Appendix P.	Affidavit of Michael Lamm, employee in charge of the law libraries at Central Prison, who attached to his affidavit evidence that the law libraries at Central Prison are in full compliance.	A-89
Appendix Q.	Affidavit of Maurice R. Baker, employee in charge of the law library at Polk Youth Center, who testifies that the law library at Polk Youth Center is in full compliance. . . .	A-103
Appendix R.	Affidavit of Aaron J. Johnson, Secretary of the North Carolina Department of Correction since 5 January 1985, who testifies concerning full compliance with respect to the photocopy issue as evidenced by selected copies of photocopy logs.	A-106

Appendix S.	Affidavit of Nathaniel O. Boykin, Head Librarian for the Department of Correction, who oversees the operation of all libraries and law library workshops for the training of law library clerks, and who testifies concerning full compliance with the training of inmate paralegals, as evidenced by attachments to his affidavit.	A-138
Appendix T.	Affidavit of Jerry M. Price, supervisor and administrator of all the defendants' law libraries, who testifies concerning full compliance with the training of inmate paralegals, full compliance with inmate requests and use of the law libraries, as evidenced by attachments to his affidavit, including cumulative law library statistic reports for 1984 and part of 1985, and full compliance with photocopies for inmates, as evidenced by photocopy logs attached to his affidavit. ...	A-170

VOLUME II (Start Page A-359, Exh. XXX to App. T)

Appendix U.	District court order of 29 July 1985 denying defendants' initial motion for reconsideration.	A-570
Appendix V.	Affidavit of Aaron Johnson dated 16 August 1985 stating that he had no reason to suspect that Mr. Safron was not properly responding to the district court order of 21 December 1984 to show compliance.	A-574
Appendix W.	Affidavit of Ben Irons, Chief Legal Advisor to the Secretary of Correction, dated 9 August 1985, who testifies that he required the defendants to compile material to show compliance pursuant to the 21 December 1984 order and appointed Barbara Shaw to provide that material to Mr. Safron and was not aware of Mr. Safron's inexcusable neglect until the district court order of 14 May 1985.	A-576

Appendix X.	Defendants' 10 December 1985 renewed motion for reconsideration, pointing out to the district court the reversal of <i>Hooks v. Wainwright</i> , 536 F. Supp. 1330 (M.D.Fla. 1982), rev., 775 F.2d 1433 (11th Cir. 1985).	A-580
Appendix Y.	District court order of 13 January 1986 denying defendants' renewed motion for reconsideration.	A-585
Appendix Z.	Defendants' 13 February 1986 second renewed motion for reconsideration.	A-587
Appendix AA.	District court order of 11 March 1986 denying defendants' second renewed motion for reconsideration.	A-590
Appendix BB.	District court judgment of 10 April 1986 ordering licensed attorneys to replace law libraries.	A-596
Appendix CC.	Defendants' notice of appeal.	A-598

APPENDIX A

UNPUBLISHED

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

No. 79-6254

(Formerly Misc. No. 79-8056)

JOHN HARRINGTON, ALONZO WATTS, CLIFTON SPEIGHT,
WILLIAM RYDER, RONNEY MCBRIDE, RAY FORBES, ROBERT
(BOBBY) SMITH, RONALD S. CARNES, RICHARD A. CARTER,
BRADFORD MIZELL LILLEY, DONALD W. MORGAN,
FRANKLIN STRADER and JOHN H. RUSSELL, on behalf of
themselves and all others similarly situated.

Appellants,

v.

JAMES HOLSHOUSER, Governor, State of North Carolina; V.
LEE BOUNDS, Commissioner, North Carolina Department of
Corrections; DR. STANLEY BLACKLEDGE, Warden, Central
Prison; FRANKLIN MAHAN, Regional Superintendent; M. S.
LEE, Captain, Washington County, Unit 3560, Creswell,
North Carolina; R. L. TURNER, Superintendent of Odom
Correctional Institution of the North Carolina Department of
Correction,

Appellees.

Appeal from the United States District Court for the Eastern
District of North Carolina, at Washington. John D. Larkins,
Jr., District Judge.

Submitted April 11, 1979

Decided May 14, 1979

Before HAYNSWORTH, Chief Judge, WINTER and
RUSSELL, Circuit Judges.

(Barry Nakell, University of North Carolina, Chapel Hill, counsel for the Appellants; Jacob L. Safron, Special Deputy Attorney General, counsel for Appellees.)

PER CURIAM:

In *Bounds v. Smith*, 430 U.S. 817 (1977) the Supreme Court affirmed a decision of this Court affirming a 1974 district court order that required North Carolina prison officials to implement a plan to provide prisoners with constitutionally adequate access to the courts. The plan, which had been proposed by the state officials and slightly altered by the district court, called for the establishment of a number of central and core law libraries at various prison facilities around the state. The plan also addressed such matters as the transportation and lodging to be provided prisoners needing to travel to the libraries from other facilities; the training of inmate assistants to aid their fellow prisoners; the priority to be given to inmates working under deadlines; and the providing of free copying services to indigent prisoners. The state defendants were ordered to file a certificate of compliance with the district court upon final implementation of the plan. Before us now is the issue of whether, after the case travelled to the Supreme Court and returned to the district court, it was properly dismissed upon the filing of such a certificate. We think not.

The record reveals that on June 22, 1978, the defendants sent an ex parte letter to the district court reporting on the progress made in implementing the plan. Apparently satisfied with the state's accomplishments, the district court on August 29, 1978, filed an order dismissing the action. The prisoners' court-appointed counsel, however, caught by surprise by the dismissal, promptly filed a motion to reopen the judgment pursuant to Federal Rules of Civil Procedure 59 and 60, challenging the adequacy of the plan's implementation and the failure of defendants to file a certificate of compliance. Thereafter, the state defendants filed a certificate of compliance and the district court, without addressing the claims made by the prisoner plaintiffs in their motion to reopen, issued another order dismissing the case. From this order, the

prisoners appealed.¹

The state prison officials have filed a motion for summary affirmance of the dismissal based upon two grounds. First they contend that the prisoners may not properly challenge via Rules 59 and 60 the adequacy of the plan originally adopted by the district court in 1974 and subsequently affirmed by both this Court and the Supreme Court. Second, they argue that because none of the inmates has demonstrated an actual injury resulting from the plan's implementation they lack standing to assert their claims.

We agree with the defendants' first argument to the extent the inmates were in fact attempting to relitigate the adequacy of the plan already adopted by the district court. To the extent the inmates challenged the adequacy of the plan's actual *implementation*, however, we disagree.

The inmates attacked the plan's implementation and defendants' certificate of compliance on several grounds: (1) that none of the libraries were provided with federal law digests or indices; (2) that the defendants did not provide the district court with information from which it could determine whether the placing of the libraries and the proposed transportation system could adequately serve the prisoners on a state-wide basis; (3) that the certificate of compliance did not address important facets of the plan dealing with the training and use of inmate assistants and the offering of free copying services to indigents; and (4) that the defendants adopted a regulation establishing certain restrictions on the use of the libraries by inmates in disciplinary segregation which were not included in the proposed plan and which raise questions of constitutional significance.

From our review of the record, it appears that only the first allegation, concerning the contents of the libraries, was argued and resolved in the district court when the plan was originally proposed and adopted. Accordingly, the state defendants correctly argue that the prisoners should not be

¹The district court refused permission to proceed with the appeal in forma pauperis.

permitted to reopen this issue on a Rule 59 or 60 motion. The remaining claims, however, raise questions of the adequacy of compliance with the proposed plan, and we think they merited specific consideration by the district court. The inmate plaintiffs were simply attempting to enforce a court order obtained in their favor and requiring the defendants to establish a constitutionally adequate prison law library system. If the system as implemented arguably did not comport with the court adopted plan or with constitutional standards, we think the inmates were entitled to be heard on the matter.

We make particular mention of the state Department of Corrections Regulation 5NCAC 2G referred to above in claim (4). The regulation, parts of which were made effective on June 16, 1978, was apparently first submitted to the district court by the defendants as part of their ex parte communication to the court indicating progress made toward implementing the plan (*see supra*). The inmates challenged the regulation in that it conditions access to libraries by prisoners having to be transported to facilities having libraries on the availability of bed space at the receiving institution. In light of the overcrowded conditions of the North Carolina prison system, the inmates contended that such a condition would result in substantial delays. The inmates also challenged provisions of the regulation (1) totally prohibiting inmates in disciplinary segregation from using the libraries for cases not having legal deadlines for the filing of papers and (2) denying library privileges to inmates found to be a threat of harm to the prison staff or library facility.

We think that the inmates properly argue that in light of our decision in *Williams v. Leeke*, 584 F.2d 1336 (1978), the challenged provisions raise constitutional issues. In *Williams* we indicated that the availability of direct access to a law library is an important consideration in determining the adequacy of a state's attempt to provide prisoners with meaningful access to the courts. While we noted that a state might be justified in not giving prisoners that are known security risks the same library privileges available to other prisoners in general, we noted that it is incumbent upon the state to justify the reasonableness of such restrictions and to provide satisfactory alternatives. Although Regulation 5

NCAC 2G contains language suggesting that some alternative in the form of inmate assistance or direct supplying of legal materials may be made available to prisoners with disciplinary problems, we do not think the state's burden of proof was thereby satisfied.² We think the defendants should be required to show with specificity the alternatives they intend to provide prisoners who will not be given the same direct access rights given to the general prison population.

Similarly, with respect to the Regulation's provision conditioning access to libraries on the availability of bed spaces, we think the defendants should be required to show that bed spaces are in fact available. It is common knowledge that many of our nation's prisons suffer from overcrowding. We cannot determine that the regulation alone amounts to an adequate implementation of the defendants' proposed plan when, on its face, the regulation allows for indeterminate and possibly very substantial delays for actual library access to a significant portion of the prison population.

In short, we think the state defendants had the burden of proving the constitutional adequacy of their implementation of the plan which they proposed and with which they were ordered to comply. Since the inmate plaintiffs originally brought the suit and obtained the injunction, we think they had standing to challenge whether defendants' compliance on its face met constitutional standards.

Accordingly, we deny the defendants' motion for summary affirmance and grant plaintiffs permission to proceed in forma pauperis. The order of dismissal is vacated and the case is remanded to the district court for proceedings consistent with this opinion.

²Indeed, the Regulation does not appear to provide any alternative to those in disciplinary segregation who have no legal deadline upon which their work must be completed.

APPENDIX B

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

**John Harrington, Alonzo Watts, Clifton Speight, William
Ryder, Ronney McBride, Ray Forbes, Robert (Bobby) Smith,
Ronald D. Carnes, Richard A. Carter, Bradford Mizell Lilley,
Donald W. Morgan, Franklin Strader, and John H. Russell, on
behalf of themselves and all others similarly situated,**

Appellants

v.

**James Holshouser, Governor, State of North Carolina, V. Lee
Bounds, Commissioner, North Carolina Department of
Corrections, Dr. Stanley Blackledge, Warden, Central Prison,
Franklin Mahan, Regional Superintendent, M.S. Lee, Captain,
Washington County, Unit 3560, Creswell, North Carolina, R.L.
Turner, Superintendent of Odom Correction Institution of the
North Carolina Department of Correction, F.R. Moore,
Sergeant, Central Prison,**

Appellees.

No. 83-6271.

**United States Court of Appeals,
Fourth Circuit.**

Argued Feb. 7, 1984.

Decided Aug. 14, 1984.

On appeal, after remand, 598 F.2d 614, of decision of United States District Court for the Eastern District of North Carolina, Franklin T. Dupree, Jr., Senior District Judge, finding that the state of North Carolina's implementation of prison system law library plan was constitutionally sufficient, the Court of Appeals, Sprouse, Circuit Judge, held that: (1) implementatin of portions of the plan relating to access by inmates in disciplinary segregation and transfer of inmates from prisons without library facilities to installations

having required library were constitutionally sufficient, but (2) insufficient facts were presented for determination of constitutionality of implementation of portions of the plan relating to provision of access to copying machines free of charge to indigent inmates and relating to program to train prison paralegals to assist inmates in use of the library.

Affirmed in part, vacated in part, and remanded.

1. Prisons

Portions of North Carolina's implementation of prison system law library plan relating to access by inmates in disciplinary segregation and transportation of inmates from prisons without library facilities to installations having required library were constitutionally sufficient.

2. Constitutional Law

Insufficient facts were presented to court to determine constitutionality of portions of North Carolina's implementation of prison system law library plan relating to access to copying machines free of charge to indigent inmates and relating to program to train prison paralegals to assist inmates in use of the library.

Barry Nakell, Chapel Hill, N.C., for appellants.

Jacob L. Safron, Sp. Deputy Att. Gen., Raleigh, N.C. (Rufus L. Edmisten, Atty. Gen., Raleigh N.C., on brief), for appellees.

Before WINTER, Chief Judge, SPROUSE, Circuit Judge, and BUTZNER, Senior Circuit Judge.

SPROUSE, Circuit Judge:

The controversy involved in this appeal is now before this court for the third time. The underlying issue is whether the state of North Carolina (State) has complied with the directions of the United States Supreme Court in *Bounds v. Smith*, 430 U.S. 817, 97 S.Ct. 1491, 52 L.Ed.2d 72 (1977), and of panels of this court in *Smith v. Bounds*, 538 F.2d 541 (4th Cir.1975) and *Harrington v. Holshouser*, 598 F.2d 614 (4th Cir.1979) (unpublished) (*Harrington I*). In accordance with the Supreme Court's holding in *Bounds v. Smith*,

which affirmed our decision in *Smith v. Bounds*, the State was required to implement a plan it had devised for building a series of law libraries in its prison system for use by inmates challenging either the legality or conditions of their confinement. The State had devised its plan after a federal district court found the North Carolina prisoners were being denied their constitutional right of access to the courts by the State's failure to provide adequate legal resources to its inmate population. The State's plan was accepted by the district court, modified slightly by this court, and finally approved subject to our modifications by the United States Supreme Court in *Bounds v. Smith*. Two years after the *Bounds* decision, the State submitted certificates of compliance to the district court which had originally approved the plan, requesting that it dismiss the still-pending civil rights actions of the inmates who had successfully challenged the availability of legal resources to the State's prisoners. The district court granted the request, but a panel of this court reversed in *Harrington I*. The panel in that case held that, although the plan itself was not subject to attack, the State had the burden of proving that implementation of the plan met constitutional standards. It remanded the case to the district court for a determination of whether implementation of various aspects of the plan was constitutionally sufficient.

The case lingered in that posture in the district court from the time *Harrington I* was decided on May 14, 1979, until the district court again dismissed the action on April 18, 1983, finding the State to have implemented the plan successfully. Thus, seven years after the Supreme Court decision in *Bounds v. Smith*, the same legal action remains still unresolved on this appeal despite Harrington's efforts, through a series of petitions and motions, to ensure compliance with the Supreme Court's mandate.

Reduced to their essentials, Harrington's complaints are four. He contests (1) the adequacy of the training provided to prisoner paralegals staffing the law libraries; (2) copying charges assessed against prisoners unable to pay; (3) the permissibility of limiting access to the libraries for prisoners on disciplinary segregation; and (4) the State's plan to provide access to the libraries by means of short-term transfers for prisoners detained in prison units without libraries. Harrington's challenge to the adequacy of the transfer

program rests largely on allegations of overcrowding and a resultant lack of available bed space to accommodate short-term transferees. Harrington has made extensive efforts through counsel since *Harrington I* was decided to obtain information. Although the State has been less than forthcoming in its responses, answers to several sets of interrogatories and testimony at a hearing on the subject of compliance present the following picture of the State's actions.

1. *Training of prisoner paralegals.*

By the end of 1980, the State had conducted one inmate paralegal training session, consisting of seven hours of instruction on elementary principles of criminal procedure, three-and-one-half hours of legal research technique training, and three-and-one-half hours of going over problems and answering questions. Only two of thirty-one prisoners staffing the libraries at that time had participated in that session; all others received on-the-job training. By September 1982, two legal workshops had been conducted. Of a total of thirty inmate paralegals then employed by the prison libraries, seven had participated in a workshop. In about September 1982, the State contracted with Durham Technical Institute to provide training for library staff and inmate paralegals. Under the Durham Tech agreement, the institute would hold three five-day-long workshops annually. The record on appeal, which contains no information on this subject after September 1982, does not indicate that any workshops have in fact been conducted for the State by Durham Tech, nor is there any current information on the number of inmate paralegals with workshop training as a percentage of those now staffing the prison libraries.

2. *Use of copying machines.*

The State has not provided any information about the availability or the use of copying facilities by prisoners, indigent or otherwise. It is impossible to assess, therefore, whether the State's policies in this area satisfy State obligations under the plan.

3. *Library use by segregated inmates.*

The State's regulations divide requests to use law libraries by inmates into two classes—those made by inmates with legal deadlines to meet (Category I) and without deadlines (Category II). Inmates subject to disciplinary segregation may use the libraries

available only if they have made Category I requests. Category II requests are granted to inmates only after they are released from segregation. Inmates with Category II requests can be denied library access for fifteen days at most because under applicable prison regulations, inmates are entitled to a forty-eight hour release from segregation at the end of each fifteen-day period spent in segregation. 5 N.C. Admin. Code 2B.0205. The State views delays of this length as acceptable and has provided no alternative means of access to libraries for inmates with Category II requests during their segregation.

4. Bed space for inmates seeking transfers for library use.

In answer to the plaintiff's interrogatories, the State disclosed that most prison units with either full or smaller "core" law libraries were overcrowded during the period covered by the answers, February 1978 to September 1979. At the hearing before the district court, the Chief of Educational Services of the State Department of Correction, Jerry M. Price, indicated that requirements for bed space for inmates temporarily transferred to use libraries were always met. He testified:

[A]s far as inmates who want to use the library, we always make available to them bedspace. We have bedspace reserved for those people.

Price estimated that in the year from June 1981 to June 1982 over four hundred transfers of inmates to prisons with full libraries had been made, and over two hundred transfers of inmates to prisons with core libraries. The record on appeal does not contain information more current than June 1982. Although the record indicates that not all requests for library use were honored during this time period, it does not appear that shortage of available beds was the reason for the denial of any request.

The district court dismissed the actions in this and two other similar cases in April 1983 with a simple order, stating that "the North Carolina Department of Correction has in a constitutionally sufficient manner established a prison library system which provides meaningful access to legal materials to all inmates currently incarcerated within the North Carolina prison system," and directing the Clerk to dismiss these actions and remove them from the docket of that court.

[1] Although the district court made no factual findings and did not discuss in any detail the manner in which the State has complied with the directions of the Supreme Court, we agree after a review of the testimony and other information contained in the record that the portion of the State's implementation relating to access by inmates in disciplinary segregation is constitutionally sufficient. In addition, implementation of the plan to transport inmates from prisons without library facilities to installations having the required library is also adequate. True, the State's prisons, like many through the country, are crowded, but the evidence was clear and unchallenged that by whatever means necessary overnight facilities were made available for inmates temporarily requiring them in connection with the library access program.

[2] The availability of copying machines is a different matter. In *Harrington I* we required, among other things, that the State prove that it had provided access to copying machines free of charge to indigent inmates. The State has yet to established the nature of those copying facilities in sufficient detail to allow this court to determine whether the State is in compliance with this part of our direction to it.

A more important deficiency in the State's efforts toward implementation is its apparent lack of a program to train prisoner paralegals to assist inmates in the use of the library. Again, the district court made no finding of fact concerning this important aspect of the library program, but it is clear from the evidentiary record that the State's efforts to comply with the court's directions in this regard have had very little effect. Chief of Educational Services Price testified that there were approximately thirty paralegals in the State's prison system as of September 1982. The number at each library varies, of course, depending upon the size of the library, but Price admitted that in many of the libraries none of the inmates assigned to library work had received any kind of formal training. The State, through its witnesses, admitted that it had been unable to implement the training plan its officials originally considered necessary to provide realistic access to the libraries by its inmates.

The plan approved by the Supreme Court visualized inmates assigned to work in the libraries on a regular basis and "trained to the

best extent possible" in legal research and assisting other inmates with research as an important component of the plan. A description of the State's efforts in this area since then is a chronology of failure. After several years of apparent inaction, the State conducted a single training session for paralegals in 1980; only two of thirty-one inmates staffing the library at that time had participated in that session. Two years later, only one more training session had been conducted for the State, this one by a professor of law at the University of North Carolina. After an unsuccessful attempt to find professionals at North Carolina Central University, Meredith College, and Campbell University to conduct the workshops, the State reported on October 1, 1982, that it had contracted with Durham Technical Institute to provide three five-day workshops annually. As we have observed earlier, the record before this court contains no indication that this proposed training program has even been undertaken, let alone been successful.

Harrington reviews in this appeal nearly a decade of unsuccessful efforts by the State to implement the plan fully and urges that at this juncture the only way that the State constitutionally can afford library access to its inmates is by employing the services of a legal services plan, such as the North Carolina Prisoner Legal Services, Inc., with which counsel for Harrington has been associated since its inception in 1978. We cannot agree with that thesis, which Harrington repeatedly urges, but note, as did the Supreme Court in *Bounds*, that providing the assistance of trained lawyers in conjunction with physical library facilities is one way to assure constitutionally acceptable access to libraries by inmates.

It may well be that the State has, by now, a training program enabling trained prisoner paralegals effectively to assist inmates in the use of prison libraries. It is possible that inmates who are indigent are able to make needed copies free of charge. We are unable to determine that from the present record. It is necessary, then, that we again remand this case to the district court with instructions to make appropriate findings of fact concerning the training of prisoner paralegals and the availability of copying facilities to indigent inmates.

Furthermore, the state's answers to interrogatories disclose that only 76 percent of the inmates requesting library use at Central Prison, and 64 percent of those requesting use at Polk Youth Center, were scheduled for use. Consequently, the district court should make findings concerning requests that were not scheduled and determine whether they were justifiably denied. In this connection, the state should furnish evidence to the court regarding the typical number of hours in a day and the number of days in a week or month that inmates were allowed to spend in the library.

The district court should also make inquiry about any other matter drawn to its attention by the parties or that it deems appropriate. From its findings of fact and legal conclusions, it should determine whether the state has established a prison library system in a constitutionally sufficient manner.

AFFIRMED IN PART, VACATED IN PART, AND REMANDED.

APPENDIX C

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

**Robert (Bobby) SMITH; Ronald D. Carnes; Bradford Mizell
Lilley; Donald W. Morgan; Franklin D. Strader; John H.
Russell; John Harrington; Alonzo Watts; Clifton Speight;
William Ryder; Ronney McBride; Ray Forbes,**

Plaintiffs-Appellees,

v.

**Vernon Lee BOUNDS, Commissioner, State Department of
Corrections; Stanley Blackledge, Warden, Central State Prison;
R.L. Turner, Superintendent of Odom Correctional Institution of
the North Carolina Department of Corrections; James
Holshouser, Governor, State of North Carolina; F.R. Moore,
Sergeant, Central Prison; Franklin Mahan, Regional
Superintendent; M.S. Lee, Captain, Washington County Unit
3560,**

Defendants-Appellants.

No. 86-7579.

**United States Court of Appeals,
Fourth Circuit.**

Argued Dec. 11, 1986.

Decided March 18, 1987.

Action was brought to require state to provide prisoners in custody under state process fundamental constitutional right of access to courts. After initial appeal and remand, 598 F.2d 614, and subsequent appeal and remand, 741 F.2d 66, the United States District Court for the Eastern District of North Carolina, Franklin T. Dupree, Jr., Senior District Judge, 610 F. Supp. 597, ordered implementation of legal assistance plan to provide prisoners with attorney assistance. The district court denied reconsideration, 657 F. Supp. 1322, and, after entry of a second order, 657 F. Supp. 1327, defendants appealed. The Court of Appeals, Harrison L. Winter, Chief Judge, held that: (1) district court did not abuse its discretion in ordering

implementation of legal assistance plan; (2) district court did not abuse its discretion in denying motion for reconsideration on ground that assistant Attorney General had inexcusably neglected to present evidence that state's law libraries plan was in compliance with constitutional standards; and (3) order requiring implementation of legal assistance plan did not violate law of the case.

Affirmed.

1. Prisons

District court did not abuse its discretion in requiring state to establish legal assistance program for prisoners, upon concluding that, after ten years, state was still not in compliance with its constitutional obligation to provide prisoners with meaningful access to courts; state failed to meet burden of establishing that law libraries plan brought it in compliance with constitutional obligation.

2. Prisons

Order requiring, as remedy for state's failure to provide prisoners with meaningful access to courts, that state devise appropriate plan of attorney assistance, was not type of restructuring of local government entities which implicated principles of federalism.

3. Prisons

District court properly exercised its discretion when it ordered that attorneys provided by state, to remedy state's failure to provide prisoners with meaningful access to courts, be hired by prison legal services of state, upon concluding that state's plan failed to guarantee that attorneys would be independent, as well as perceived as independent, of Department of Corrections; without such independence, plan could not succeed in providing meaningful access to courts or in discouraging frivolous complaints from prisoners.

4. Contempt

Contempt power of court does not limit its discretion to fashion equitable remedies.

5. Prisons

Power of district court to seek contempt order against state officials, in connection with state's failure to demonstrate that its law libraries plan provided prisoners with meaningful access to courts, did not preclude district court's ordering relief in form of legal assistance program for prisoners.

6. Federal Civil Procedure

Motion for reconsideration of order must be timely and premised on meritorious defense, there must be absence of prejudice to opposing party, and there must be exceptional circumstances to merit reconsideration.

7. Federal Civil Procedure

State failed to establish excusable neglect on part of assistant Attorney General, arising from his failure to present evidence to district court that state's law libraries plan provided prisoners meaningful access to courts, such as would entitle state to relief from district court's order requiring implementation of legal assistance program to assist prisoners. Fed. Rules Civ. Proc. Rule 60(b)(1), 28 U.S.C.A.

8. Courts

Law of the case is rule of discretion and not jurisdictional requirement.

9. Federal Civil Procedure

Alleged failure of district court to follow law of the case in ordering state to implement legal assistance program to assist prisoners, in order to provide them with meaningful access to courts, would not render resulting order void on jurisdictional grounds, such as would entitle state to relief from order. Fed. Rules Civ. Proc. Rule 60(b)(4), 28 U.S.C.A.

10. Federal Civil Procedure

District court did not abuse its discretion in failing to reconsider, under catchall provision of Federal Rules of Civil Procedure, order requiring state to implement legal assistance program for prisoners, to provide them with meaningful access to courts, entered after assistant Attorney General had inexcusably neglected to present evidence that states's law libraries plan was in compliance with constitutional standards; neglect may have warranted reconsideration were it not part of ten-year pattern of neglect and delay. Fed. Rules Civ. Proc. Rule 60(b)(6), 28 U.S.C.A.

11. Federal Courts

District court's order requiring state to implement legal assistance program to provide prisoners with meaningful access to courts did not violate law of the case, where cause had been remanded for district court to determine whether state had established prison

library system which met constitutional standards; Court of Appeals had not decided that only prison library system would be satisfactory.

12. Federal Courts

District court's certifying class, in action challenging state prisoners' lack of meaningful access to courts, prior to entering final judgment requiring implementation of legal assistance service for prisoners, was not reversible error; at time of certification, requirements for certification were all met and state did not suffer prejudice thereby, especially since it had conducted litigation as class suit.

Andrew Albert Vanore, Jr., Chief Deputy Atty. Gen. (Lacy H. Thornburg, Atty. Gen., Sylvia Thibaut, Asst. Atty. Gen. on brief), for appellants.

Barry Nakell, School of Law, University of North Carolina, Chapel Hill, N.C., on brief for appellees.

Before WINTER, Chief Judge,
SPROUSE, Circuit Judge, and
BUTZNER, Senior Circuit Judge.

HARRISON L. WINTER, Chief Judge:

At the time of argument, this litigation had been in progress for over 13 years. We have had three previous appeals¹, and the underlying principles which govern the litigation have been decided by the Supreme Court. *Bounds v. Smith*, 430 U.S. 817, 97 S.Ct. 1491, 52 L.Ed.2d 72 (1977). It was held that the fundamental constitutional right of access to the courts possessed by prisoners in custody under state process required state prison authorities to assist inmates in the preparation and filing of meaningful legal papers by providing prisoners with adequate law libraries or adequate assistance from persons trained in the law.²

¹*Smith v. Bounds*, 538 F.2d 541 (4 Cir.1975), *affirmed*, 430 U.S. 817, 97 S.Ct. 1491, 52 L.Ed.2d 72 (1977); *Harrington v. Holshouser*, 598 F.2d 614 (4 Cir.1979) (unpublished) (*Harrington I*); *Harrington v. Holshouser*, 741 F.2d 66 (4 Cir. 1984) (*Harrington II*).

²The Court pointed out that its specific holding had been foreshadowed by the result reached by *Younger v. Gilmore*, 404 U.S. 15, 92 S.Ct. 250, 30 L.Ed.2d 142 (1971), some 6 years earlier, 430 U.S. at 828-89, 97 S.Ct. at 1498-99.

Since the Supreme Court spoke in 1977, the thrust of this litigation has been to require North Carolina to meet these minimum standards. North Carolina, as was its option, sought to bring itself into compliance by the establishment of "adequate law libraries," but it never succeeded in establishing a program that would survive scrutiny by the district court and by us. As we observed in 1984 "seven years after the Supreme Court decision on *Bounds v. Smith*, the same legal action remains still unresolved on this appeal despite [plaintiff's] efforts, through a series of petitions and motions to ensure compliance with the Supreme Court's mandate." *Harrington II*, 741 F.2d at 67.

After we last remanded the case in 1984, the district court by order entered on December 21, 1984 required defendants to submit materials, within thirty days, to show that "they are or shortly will be in compliance with their plan [to provide adequate law libraries.]" When defendants failed to respond, the district court made a careful analysis of North Carolina's proposals then before it and concluded that they were constitutionally deficient in at least three respects: (a) the absence of facilities for indigent inmates to photocopy without charge materials required to be filed with a court; (b) the omission of programs to train inmates as paralegals; and (c) the unavailability of prison law libraries for all inmates. Having found the "state's inability or an unwillingness to implement its plan," the district court concluded that it must decree some form of assistance from trained attorneys, and on May 14, 1985 it filed its opinion indicating that it would grant such relief. 610 F.Supp. 597. It also ordered the state to devise a plan to provide inmates with some form of attorney assistance.

After the state submitted a plan for attorney assistance and a hearing was held, the district court, on April 10, 1986, issued a second order which directed the state to provide such assistance through attorneys who were to be hired and administered by Prison Legal Services of North Carolina. 657 F.Supp. 1327 (E.D.N.C. 1986).

Three times defendants sought reconsideration of the May 14, 1985 order requiring the state to present a plan for attorney assistance. They sought reconsideration primarily on the ground that defendants' lawyer, Assistant Attorney General Jacob L. Safron who had represented them throughout the over ten-year period of this litigation, had inexcusably

neglected to present evidence to the district court that the state's law libraries plan was in compliance with constitutional standards. The district court denied reconsideration, 657 F.Supp. 1322, and, after entry of the April 10, 1986 order, defendants appealed.

Before us defendants argue that the district court abused its discretion both in ordering that a lawyer assistance plan be formulated and in denying reconsideration of the order. Subsidiary contentions are that the district court violated the law of the case in ordering the plan to be established and that the district court abused its discretion by certifying the action as a class action. We are not persuaded that there was any error and we affirm.

I.

[1] We perceive no abuse of discretion on the part of the district court in requiring the establishment of a legal assistance program.

A district court enjoys wide discretionary authority in formulating remedies for constitutional violations. After a finding of systemic constitutional violations, a court may order necessary changes in the structures or procedures of a state institution to alleviate those violations, *Hutto v. Finney*, 437 U.S. 678, 98 S.Ct. 2565, 57 L.Ed.2d 52 (1978); *Milliken v. Bradley (Milliken II)*, 433 U.S. 267, 97 Ct. 2749, 53 L.Ed.2d 745 (1977), and its formulation of relief is reversible only for an abuse of discretion. *Milliken II*, 433 U.S. at 288, 97 S.Ct. at 2761; *Vaughns v. Bd. of Education of Prince George's County*, 758 F.2d 983, 993 (4 Cir.1985); *Harper v. Kloster*, 486 F.2d 1134, 1137 (4 Cir.1973).

The district court's remedy was a reasonable choice among its alternatives to deal with the constitutional violation that it found. See *Milliken II*, 433 U.S. at 281-82, 97 S.Ct. at 2757-58 (the nature and scope of the remedy are to be determined by the violation). "It is now established beyond doubt that prisoners have a constitutional right of access to the courts." *Bounds v. Smith*, 430 U.S. at 821, 97 Ct. at 1494. The district court evaluated the program of the Department of Corrections "as a whole, to ascertain its compliance with constitutional standards." *Id.* 430 U.S. at 832, 97 S.Ct. at 1500. The burden of proving compliance with constitutional standards was on the Department of Corrections. *Harrington II*, *supra*. The

defendants failed to meet this burden when they did not file any materials showing compliance with constitutional standards following both an order from the district court requiring that the state demonstrate compliance and a motion for summary judgment. Consequently, the district court entered summary judgment for the plaintiffs.

The district court made several findings, based on the record before it, which indicated the state was not in compliance with constitutional standards. First, the court found that the state had not demonstrated that it provides indigent inmates with facilities to photocopy free of charge all materials required to be filed with a court. Second, the state had not demonstrated that it had provided for the training and placement of any inmate paralegals. Finally, the record indicated that a large number of law library requests had been denied without explanation. Accordingly, the district court concluded that, after ten years, the state was still not in compliance with its constitutional obligation to provide inmates in North Carolina with meaningful access to the courts. Based on the record that was before the district court, these findings are not contested by the parties.

The district court did not conclude, as the defendants contend, that prisoners have a constitutional right to access to an attorney. The district court ordered a remedy of attorney assistance because the state's program of law libraries had failed to meet the defendants' constitutional obligation of providing meaningful access to the courts. The district court's remedy flowed logically from *Bounds*. *Bounds* held that either remedy, law libraries or attorney assistance, could fulfill the constitutional requirement of access. Once the state foreclosed the remedy of law libraries, the remaining choice was obvious. The alternative to a system of libraries was some form of assistance to prisoners from trained attorneys. See *Hutto v. Finney*, 437 U.S. at 687, 98 S.Ct. at 2572 ("[t]aking the long and unhappy history of the litigation into account, the court was justified in entering a comprehensive order to insure against the risk of inadequate compliance").

[2] It is too late in the day to argue that the presence of attorney assistance for prisoners would be a burden on the state. The Supreme Court stated in *Bounds v. Smith* that legal assistance would have several advantages over libraries alone, including mediation and

resolution of complaints that would otherwise burden officials and the courts. 430 U.S. at 830-32, 97 S.Ct. at 1499-1500. The Court noted that nearly half the states already provide some type of legal assistance to prisoners. *Id.*, 430 U.S. at 830-31, 97 S.Ct. at 1499-1500. The district court's order requiring that the state devise an appropriate plan of attorney assistance simply does not constitute the type of restructuring of local government entities which implicates principles of federalism. *Milliken II*, 433 U.S. at 291, 97 Ct. Ct. at 2762.

[3] The district court also properly exercised its discretion when it ordered that attorneys provided by the State be hired by Prison Legal Services of North Carolina. The state's plan, as the district court found, failed to guarantee that attorneys would be independent, as well as perceived as independent, of the Department of Corrections. Without such independence, the plan could not succeed in providing meaningful access to the courts or in discouraging frivolous complaints from prisoners.

[4, 5] The state also argues that the district court abused its discretion by ordering relief in the form of legal assistance when it could have sought contempt orders against the defendants. The contempt power of a court does not limit its discretion to fashion equitable remedies. *Berger v. Heckler*, 771 F.2d 1556, 1569 (2 Cir.1985); *Alexander v. Hill*, 707 F.2d 780, 783 (4 Cir.1983), *cert. denied sub nom. Syria v. Alexander*, 464 U.S. 874, 104 S. Ct. 206, 78 L.Ed.2d 183 (1983); *Smith v. Miller*, 665 F.2d 172, 175 (7 Cir.1981). "The court is invested with broad equitable powers and simply should not be compelled to operate in a punishment or nothing atmosphere." *Alexander v. Hill*, *supra*, 707 F.2d at 783. Contempt sanctions could not promise immediate alleviation of the constitutional defect in this case given the history of foot-dragging that the district court found on the part of the state. *Id.* ("Alleviation rather than sanction" is the goal.) See *Milliken II*, 433 U.S. at 280 n. 15, 97 S.Ct. at 2757 n. 15 (federal courts are authorized to implement plans that promise "realistically to work now.") Moreover, orders to show cause against a wide range of state officials with the duty of implementing the law library plan would have been more intrusive on state decisionmaking than the district court's chosen remedy. Adjudication of contempt orders during the enforcement of injunctive relief guarantees a "major continuing intrusion of the equitable power of the federal court into the daily conduct of state . . . proceedings [and] is in sharp conflict with the principles of equitable restraint which this court has recognized." *O'Shea v. Littleton*, 414 U.S. 488, 502, 94 S.Ct. 669, 679, 38 L.Ed.2d 674 (1974).

II.

[6] Nor do we think that there was any abuse of discretion in the three denials of defendants' motions for reconsideration. A district court's decision to deny reconsideration will be disturbed only if the court abused its discretion. *Werner v. Carbo*, 731 F.2d 204 (4 Cir.1984). To merit reconsideration, a motion must be timely and premised on a meritorious defense, an absence of prejudice to the opposing party, and exceptional circumstances. *Id.*, at 206-07; *Compton v. Alton Steamship Co.*, 608 F.2d 96, 102 (4 Cir.1979). The motion in this case was timely and premised on a meritorious defense. The documents submitted to the district court in support of the motion for reconsideration indicate that the state law library system may have been in compliance with constitutional requirements. There is also no reason to believe that the plaintiffs would have been prejudiced by a reconsideration based on the merits of the defendants' argument that they are in compliance.

There remains, however, the issue of exceptional circumstances. The movant must satisfy one or more of Rule 60(b) six grounds for relief from judgment. In this case, the defendants claim that the district court should have granted their motion because of their claim of excusable neglect, FRCP 60(b)(1), because the judgment was void, FRCP 60(b)(4), and because they offered other just reasons justifying relief from the judgment, FRCP 60(b)(6). We consider these grounds *seriatim*.

[7] Under Rule 60(b), a movant is entitled to relief from judgment for reasons which include, under subsection (1), mistake, inadvertence, surprise or excusable neglect. Defendants contend that they failed to comply with the orders of the district court due to excusable neglect. They admit that Assistant Attorney General Safron's neglect of the court's orders was inexcusable. The defendants contend, however, that *they* excusably neglected to obey the orders of the court because they reasonably relied on Mr. Safron to carry out his duties. Affidavits from attorneys and officials of the Department of Corrections, submitted by the state, declare that state officials had gathered materials for the court relevant to its orders, but assumed that Mr. Safron was attending to compliance with the court's orders. The Attorney General for the State declares that supervision of the cases assigned to his assistants is impossible and that he must place exclusive reliance on his assistants.

In our view, defendants have not established excusable neglect for purposes of 60(b)(1). The attorney's neglect in this case was serious and unexcused. The Attorney's General's and the Department of Correction's failure to supervise Mr. Safron do not make his neglect excusable. *Universal Film Exchanges, Inc. v. Lust*, 479 F.2d 573, 576 (4 Cir.1973) (gross negligence of counsel does not constitute excusable neglect by the defendants).³ If we were to credit fully the defendants' arguments, a state would never be responsible for the neglect of its assistant attorney generals. This would undermine the adversarial system. See *Link v. Wabash Railroad Co.*, 370 U.S. 646, 634, 82 S.Ct. 1386, 1390, 8 L.Ed.2d 734 (1962). In addition, from our own experience we are well aware that supervision of case assignments is possible in a large legal office through an administrator who is in charge of tracking deadlines. Finally, we note that Mr. Safron was not the only attorney of record in this case, any number of attorneys could have monitored the court-ordered deadlines. Nor was the district court unduly strict about enforcing its orders. The district court did not enter summary judgment for the plaintiffs on the issue of noncompliance until several months after the deadline for demonstrating compliance had passed. In argument, counsel for plaintiffs tell us that he literally begged Mr. Safron for compliance. Thus, reliance of the defendants on Mr. Safron should not convert Mr. Safron's neglect into excusable neglect.

[8,9] Reconsideration is also appropriate where a judgment is void due to the district court's lack of jurisdiction. FRCP 60(b)(4). The defendants contend that reconsideration was required because the court's judgment violated the law of the case which operated as a limit on the jurisdiction of the district court. We are not persuaded. The law of the case is a rule of discretion and not a jurisdictional requirement. *Piambino v. Bailey*, 757 F.2d 1112, 1120 (11 Cir. 1985), cert. denied, — U.S. —, 106 S.Ct. 2889, 90 L.Ed.2d 976 (1986). Moreover, as we show later, there is no merit in the argument that the district court violated the law of the case.

³It is not without significance that the Attorney General still relies on Safron. We are aware that he was sole counsel representing North Carolina in another appeal which was argued during the December, 1986, session of the court.

[10] In some instances, appellate courts have employed the catch-all provision of FRCP 60(b)(6) to order reconsideration of default judgments which resulted from neglect of counsel. *Boughner v. Secretary of HEW*, 572 F.2d 976 (3 Cir.1978)); Wright & Miller, Federal Practice & Procedure, § 2864 & n. 50. "[A] sound discretion hardly comprehends a pointless exaction of retribution. Dismissals for misconduct attributable to lawyers and in no [way] to their clients invariably penalize the innocent and may let the guilty off scott-free." *Jackson v. Washington Monthly Co.*, 569 F.2d 110, 123 & n. 23 (D.C.Cir.1977) (and cases cited herein). Moreover, public confidence in the legal system is undermined when a litigant's claim is dismissed due to the blameworthy actions of their counsel. *Id.* The litigant does have recourse in such a case—a malpractice action—but that approach may not result in a hearing on the merits of the plaintiff's case. The court, however, does have an alternative to a default judgment; it may seek contempt sanctions against counsel. *Id.*, at n. 24.

Under these authorities, Mr. Safron's neglect to comply with the district court's order to demonstrate compliance, considered in isolation, may have warranted reconsideration by the district court. Under such circumstances, justice would probably require that the district court reach a decision on the merits. *Campion v. Alton Steamship Co.*, *supra*, 608 F.2d at 102-03; *Tolson v. Hodge*, 411 F.2d 123, 130 (4 Cir. 1969). These considerations are, of course, equally applicable to litigation between private parties as to litigation in which a government is a party. However, Mr. Safron's neglect was part of a decade-old pattern of neglect and delay. In *Harrington II*, we characterized "the State's efforts in this area" as "a chronology of failure." 741 F.2d at 69. As the district court stated below, "The plaintiffs cite eleven other instances where defendants failed to respond, to the court's orders. The state's failure to comply with the December 1984 order was quite simply the straw that broke the camel's back . . . Clearly, the defendants knew or should have known that counsel had a history of failing to respond to the court's orders."

The history of the defendants' neglect of its duties in this case, as recounted by the district court, is set forth in the margin.⁴ We find it correctly described.

⁴In 1974, the district court ordered the state to establish regional law libraries in prisons across the state and file a certificate of compliance within 120 days. This decision was affirmed by us in 1975 and the Supreme Court in 1977. The state did not advise the district court of its progress until more than a year after the Supreme Court's decision.

After further proceedings, the plaintiffs filed their first set of interrogatories on July 26, 1979. The defendants did not answer for three months. Plaintiffs then filed a motion to compel. Defendants then requested and received an extension to answer until November 1, 1979.

The extended deadline for answering the interrogatories then passed without the defendants providing any answers. A hearing was set for June 3, 1980 which prompted the defendants to file their answers on May 29, 1980, almost seven months past the November extended deadline.

The defendants' answers, which were filed May 29, 1980, were contained in an affidavit from the Deputy Director of the Division of Prisons. The affidavit was dated November 6, 1979.

On February 17, 1981, the district court ordered the defendants to submit within 90 days a statement of the means by which they would train inmate paralegals. They were also ordered to file within 30 days a profile of the operation of the use of law library facilities by inmates in disciplinary segregation. The thirty days passed without response. On May 8, the defendants asked for and received an extension until August 7. They filed their response on that date which consisted of two affidavits.

Plaintiffs later served another set of interrogatories on September 9, 1982. The State provided no answers and so the plaintiffs sought a motion to compel. This motion was unopposed, the court granted the motion on December 1. On December 9, the defendants sought and received an extension to answer until January 15. Defendants filed their answers on January 11.

On January 28, 1982 plaintiffs filed a motion for an order requiring the defendants to comply with their law library plan. The state did not respond. On May 3, 1982 the court issued an order directing the defendants to show cause within ten days why the motion should not be granted. Fourteen days later the state responded in an answer that summarized their previous filings.

The district court issued an order on May 7, 1982 directing the parties to submit within thirty days satisfactory alternatives to their previous proposals. The State did not respond. On September 3, the court held a hearing on the subject of the order at which point the defendants responded.

After the final remand to the district court, on September 14, 1984, the plaintiffs filed motions for partial summary judgment and for an order compelling defendants

Under these circumstances, the district court did not abuse its discretion by denying the motion for reconsideration. Appellate courts have generally approved of dismissal of a client's action due to counsel's conduct "when the attorney has taken a course of protracted neglect." *Jackson v. Monthly Co.*, *supra*, 569 F.2d at 121 & n. 10 & 11 (and cases cited therein). Consistent with its role and function as a court, the district court could not sanction this extensive history of nonfeasance. Even when a sovereign state is a litigant, there comes a time when further delay cannot be tolerated. In this case, that time was well past. *Cf. Green v. County School Board*, 391 U.S. 430, 439, 88 S.Ct. 1689, 1694, 20 L.Ed.2d 716 (1968) ("the burden on a school board today [in remedying desegregation] is to come forward with a plan that promises realistically to work . . . now").

III.

[11] Defendant's other contentions do not require lengthy discussion. The argument that the district court violated the law of the case and that its judgment is thus void is answered by the fact that we remanded the case to determine whether North Carolina had established a prison library system which met Constitutional standards. We did not decide that only a prison library system would satisfy the requirements of *Bounds*. The law of the case doctrine does not govern issues which the appellate court did not address. *Piambino v. Bailey*, *Supra*, 757 F.2d at 1120. Once the district court found that North Carolina had not proved its case, it was free to adopt the other remedy approved by the Supreme Court in *Bounds*.

to report on their obligation to provide inmates with legal facilities. Defendants did not respond.

The district court subsequently ordered the state to submit within thirty days its plan to provide legal facilities to inmates in disciplinary segregation. Plaintiffs then successfully sought a motion to compel the defendants to show within 30 days that it was in compliance with its plan regarding training of inmate paralegals, free copying of legal materials, and the availability of prison law libraries. The defendants did not respond.

Plaintiffs moved the Court on January 30, 1985 to issue judgment because the defendants had not demonstrated that they were in compliance with constitutional requirements. The defendants did not respond.

The district court entered summary judgment against the defendants on May 14, 1985 because the Defendants had not demonstrated compliance.

[12] We see no reversible error in the district court's certifying a class on October 16, 1985. Plaintiffs had sought from the institution of the case to maintain it as a class action. The district court deferred certification of a class because it thought that certification could be avoided if more inmates were substituted as party plaintiffs for those original plaintiffs who died or were released. When the district court concluded to certify the class prior to entering its final judgment, the requirements for certification were all met and defendants were not prejudiced thereby, especially since they had conducted the litigation as a class suit.

AFFIRMED.

APPENDIX D

PUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 86-7579

ROBERT (BOBBY) SMITH; RONALD D. CARNES;
BRADFORD MIZELL LILLEY; DONALD W. MORGAN;
FRANKLIN D. STRADER; JOHN H. RUSSELL; JOHN
HARRINGTON; ALONZO WATTS; CLIFTON SPEIGHT;
WILLIAM RYDER; RONNEY McBRIDE; RAY FORBES
McBRIDE; RAY FORBES

Plaintiffs-Appellees

versus

VERNON LEE BOUNDS, Commissioner, State Department of
Corrections; STANLEY BLACKLEDGE, Warden, Central State
Prison; R. L. TURNER, Superintendent of Odom Correctional
Institution of the North Carolina Department of Corrections;
JAMES HOLSHOUSER, Governor, State of North Carolina;
F.R. MOORE, Sergeant, Central Prison; FRANKLIN MAHAN,
Regional Superintendent; M.S. LEE, Captain, Washington
County Unit 3560

Defendants-Appellants

Appeal from the United States District Court for the Eastern
District of North Carolina, at Raleigh. Judge Franklin T.
Dupree, Jr., Senior District Judge. (CA-3052).

Argued: October 6, 1987

Decided: March 3, 1988

Before WINTER, Chief Judge, RUSSELL, WIDENER,
HALL, PHILLIPS, MURNAGHAN, SPROUSE, ERVIN,
CHAPMAN, WILKINSON, WILKINS, Circuit Judges, and
BUTZNER, Senior Circuit Judge, sitting in banc.

Andrew Albert Vanore, Jr., Chief Deputy Attorney General (Lacy H. Thornburg, Attorney General; Sylvia Thibaut, Assistant Attorney General, North Carolina Department of Justice on brief) for Appellants; Barry Nakell, University of North Carolina School of Law for Appellee.

PER CURIAM:

We reheard this case in banc, and we affirm the judgment of the district court on the facts and for the reasons set forth in the panel opinion, *Smith v. Bounds*, 813 F.2d 1299 (4 Cir. 1987), as supplemented by the additional comments which follow.

Defendants contend that they presented a case of excusable neglect under Rule 60(b), F.R. Civ. P., justifying relief from the May 14, 1985 order, decreeing that the state must provide assistance to prisoners by trained attorneys, and permission to reopen the case in order to show that North Carolina had a constitutionally acceptable prisoner library program. We note two significant factual findings by the district court in rejecting this contention. First, in denying defendants' initial motion for reconsideration, the district court concluded that defendants had not shown excusable neglect because "defendants' failure to respond to the December 21, 1984 order was not an isolated incident. Clearly, defendants knew or should have known that counsel had a history of failing to respond to the court's orders."

Similarly when the district court denied defendants' second renewed motion for reconsideration,* it dealt with defendants' argument that while Safron's dereliction in failing to respond to the December 21, 1984 order was not excusable neglect, their failure to respond was excusable because Safron's omission was an isolated incident which neither defendants nor Safron's supervisors could have anticipated. Again it found that "actions of counsel which precipitated the May 14, 1985 order and opinion were not isolated incidents." It noted that "the state had failed eleven other times over the course of

*Defendants' first renewed motion for reconsideration was denied by simple order without opinion.

this litigation to timely respond to this court's orders. . . . Thus, the state's failure to comply with the court's orders cannot be laid solely at Mr. Safron's door . . . [T]he court concludes that defendants must share the responsibility for counsel's failure to provide the court with sufficient information to determine the adequacy of the law library plan."

Coupled with these factual findings is the district court's finding, described in the panel opinion and reiterated by the district court in its opinion denying the initial motion for reconsideration, that North Carolina was unable or unwilling to implement its library plan consistent with minimum constitutional requirements.

From the facts of record and for the reasons set forth in the panel opinion as well as our own examination of the record, we conclude that these findings of fact are not clearly erroneous. If, as the district court permissibly found, there was neglect on the part of all of the defendants, it follows that they could not establish "excusable neglect," they had no right to reconsideration under Rule 60(b), and the district court correctly denied repeated motions for reconsideration.

AFFIRMED.

WIDENER, Circuit Judge, dissenting:

I respectfully dissent, for, in my opinion, the district court not only failed to comply with our mandate, it abused its discretion. The majority decision effectively ends litigation in this matter, at least at this stage, without allowing the Department of Corrections to be given the opportunity to present its evidence showing the constitutional compliance of its prison law libraries. The record contains such evidence that has been collected and tends to establish that the libraries have been in compliance for some time.

I

The history of the litigation in this case deals with two aspects, the plan and its implementation. The litigation involving the approval of the plan proposed by the State culminated in the Supreme Court decision in *Bounds v. Smith*,

430 U.S. 817 (1977), which upheld this court which had held that the proposed plan met constitutional standards¹ and that the State was under no constitutional obligation to offer inmates both research facilities and the services of attorneys. The plan thus encompassed a proposal which, when implemented, would provide the prisoners the constitutional right of access to the courts.

The plan, as approved, included:

- (1) the establishment of a number of central and core law libraries at various prison facilities around the State; (2) transportation and lodging to be provided to prisoners needing to travel to the libraries from other facilities; (3) training of inmate assistants to aid their fellow prisoners; (4) priority given to inmates working under deadlines; and (5) providing of free copying services to indigent prisoners.

This court, in *Harrington v. Holshouser* (Harrington I), tabulated in 598 F.2d 614 (4th Cir. 1979) (unpublished), added an additional requirement of adequate access to the libraries for inmates on disciplinary segregation.

The remainder of the litigation, with only slight exception, has concerned itself with the proper implementation of the approved plan. The State filed with the district court a certificate of compliance after instituting the prison law library system, the filing of which certificate was required by the plan. The prisoners objected, and the district court dismissed the action, finding the system constitutionally sufficient. From this order, the prisoners appealed in *Harrington I*, basing their objections on four grounds: (1) none of the law libraries were provided with law digests or indices; (2) the defendants did not provide the district court with information from which it could determine whether the placing of the libraries and the proposed transportation system could adequately serve prisoners on a statewide basis; (3) the certificate of compliance did not address the important facets

¹Except as to like access to libraries for female as for male prisoners. This was corrected by our decision in the first appeal and is not an issue here.

of the plan dealing with the training and use of inmate assistants and offering free copies to indigents; and (4) the defendants adopted a regulation establishing certain restrictions on the use of the libraries by inmates in disciplinary segregation which was not included in the proposed plan. We held that the first claim had been argued and resolved in the adoption of the plan and thus was not subject to relitigation. As to the remaining three issues, the district court's order of dismissal was vacated and the case remanded for further fact finding. Additionally, the district court was instructed to address whether bed space was available for those prisoners who had to be transferred for library access.

Some four years later, on April 18, 1983, having reconsidered the case on account of the remand in *Harrington I*, the district court again dismissed the case upon its finding that the State had satisfactorily implemented the plan. Thus, the district court at this juncture had twice approved the State's implementation of the plan by dismissing the case based on the law library system's constitutional compliance. Another appeal by the prisoners was filed in this court on four issues somewhat similar to those considered in *Harrington I*: (1) the adequacy of the training provided to prisoner paralegals staffing the law libraries; (2) copying charges assessed against prisoners unable to pay; (3) the permissibility of limiting access to the libraries for prisoners on disciplinary segregation; and (4) the State's plan to provide access by means of short-term transfers. *Harrington v. Holshouser*, 741 F.2d 66, 67-68 (4th Cir. 1984) (*Harrington II*).

We affirmed the district court's denial of relief on the third and fourth issues, access for prisoners on disciplinary segregation and access by short-term transfers, and remanded for further fact finding on the first and second issues, paralegal training and copying charges against indigent inmates. We also added a requirement that the district court make fact findings on the extent of library use and number of requests for library use which were denied. This was the status of the case in the district court when the instant proceedings got under way, which culminated in the district court's orders of December 21, 1984, to which the State failed to respond, and the order of

May 14, 1985 which imposed the attorney assistance plan on the State.

II

The district court, of course, had ample reason to be upset with Mr. Safron due to his representation of the Department of Corrections in this stage of the litigation, but this should be an insufficient reason to decline to carry out our mandate as precisely set forth in *Harrington II*. A lower court's declining to carry out a mandate of its superior court for the reason that one of the parties may be recalcitrant (even if that be the case here) is a reason which is insufficient in law and should not be permitted. Our instructions were simple, direct, and easily understood, and are contained in four uncomplicated sentences found in 741 F.2d at p. 70.

Once a case has been decided on appeal and a mandate issued, the lower court may not "vary it [the mandate] or examine it for any other purpose than execution; or give any other or further relief; or review it, even for apparent error, upon any matter decided on appeal; or intermeddle with it, further than to settle so much as has been remanded." *In re Sanford Fork & Tool Co.*, 160 U.S. 247, 255 (1895). And, while the imposition of the plan for attorneys' services was not explicitly stated to be "a matter left open," the district court treated it as such. That question too has been recently treated by us in *Stamper v. Baskerville*, 724 F.2d 1106 (4th Cir. 1984), in which we relied on the language I have quoted above from *Sanford* and added: "Nor do we believe that *In re Sanford* should be read to permit a lower court to treat an issue not before the appellate court as 'a matter left open.' 160 U.S. at 255-56, 16 S.Ct. at 293. Were this the rule, a lower court could circumvent any and every order . . . simply by passing on an issue not present on appeal. A lower court may decide 'matters left open' only insofar as they reflect proceedings consistent with the appellate court's mandate." 724 F.2d at p. 1108. A leading text on the subject agrees: "[W]hen the further proceedings [on remand] are specified in the mandate, the district court is limited to holding such as are directed." 1B

Moore's Federal Practice § 0.404[10] p. 172 (1983).

The Supreme Court, in this very case, decided the questions before it on the basis that the district court had left to the State the choice of which alternative would "most easily and economically" fulfill its duty. 430 U.S. at 819. The State has chosen the law library system; that is undisputed. This is annunciated by the fact that the district court in its instant opinion noted that in *Harrington II* the court of appeals specifically rejected installing the legal assistance program. 610 F.Supp. at 603. The matter has thus been litigated previously and decided adversely to the prisoners.

I am of opinion that the district court erred by going beyond our mandate to fashion a remedy that this court had specifically rejected as being required. This is especially true when the record at the time of the district court's order appealed from showed, as even the majority admits, that "the state law library system may have been in compliance with constitutional requirements." 813 F.2d at 1303.

I should add, at this point, that the district court did not even consider sanctions or a contempt citation, the usual ways of insuring compliance with a court order. Such absence enters into my conclusion that the district court did not comply with our mandate as well as that it abused its discretion in failing to grant relief under Rule 60(b)(6) from its order imposing the attorneys' assistance system which is discussed below.²

III

Both the district court, even as it denied Rule 60(b) relief, and this court recognized that the State's law library plan may have been in compliance as of May 1985. See district court Order, App. 542-543; *Smith v. Bounds*, 813 F.2d 1299, 1303 (4th Cir. 1987). The majority nevertheless affirms the district court's denial of the State's FRCP 60(b) motion to present evidence of compliance (accompanying the motion in the form

²The oral argument of plaintiffs' attorney that he "literally begged" Mr. Safron for compliance, which is relied upon by the majority as a base for its decision, 813 F.2d at p. 1304, has a hollow sound. That same attorney made no motion for contempt citations or other sanctions, the tools of every lawyer in securing compliance with court orders.

of affidavits)³ for a stated reason that the State "knew or should have known" what its attorney was doing during the progression of the case. The state argues, with reason that its reliance on Mr. Safron was based not only on a successful history in representing the Department of Corrections but also on his great success in this court and the Supreme Court as well.

³Over 95 pages of documents consisting of affidavits, regulations and attachments were filed at the time of the motion for reconsideration, which support the Department of Corrections' contention that the law libraries are and have been constitutionally sufficient. Barbara Shaw, a Department of Corrections employee who gathered the information to comply with the district court's December 21, 1984 order, states that the photocopying regulations had been changed, becoming effective in January 1985. Further, she also forwarded to Mr. Safron revised regulations concerning access by those inmates on disciplinary segregation. Attachments showed access to the court regulations. 5 NCAC 2G .0201-.0205, setting up procedures for inmates to follow. Michael Lamm, Correctional Lieutenant at Central Prison in Raleigh, North Carolina, stated that the core library facility in Central Prison over which he had supervision is in compliance with the policies codified. He also stated that no inmates are denied access. All those who request appointments are scheduled for library time, though occasionally, some do not show. Additionally, refuting the district court's independent fact finding on the issue, Mr. Lamm stated that free photocopying of any document required by the court is allowed to inmates and is not based on indigency. From 1981-1985, Mr. Lamm helped coordinate six inmate paralegal training workshops at Central Prison for inmates throughout the State. Aaron Johnson, Secretary of Corrections, testified to full compliance of the photocopying facilities attaching the photocopying logs for previous years. Nathaniel Boykin, Head Librarian, oversees the operation of the libraries and training workshops. He states that there have been five inmate paralegal workshops from February 1983 to the date of the affidavit (June 1985). Further, he attaches the curriculum of such workshops and the lists of inmate and non-inmate attendance. Jerry Price, who has served in the capacity as Supervisor and Administrator of all of the law libraries for 10 years (June 1985), verifies the Department of Corrections' compliance with the constitution on all issues implemented by the plan.

Mr. Safron was licensed to practice law in 1957. He joined the Attorney General's office of the State of North Carolina in 1968. He has personally appeared before the United States Supreme Court as counsel representing the State on seven occasions, successful in each.⁴ In this court, he has appeared 128 times, beginning in 1972, zealously representing the State. In an affidavit filed by Mr. Safron, he admitted with candor his neglect of duties in not responding to the December 21st order, and, expressing his deep regret and abject apology to the court for that neglect, took full responsibility. Additionally, James C. Woodard, Secretary of the Department of Corrections from 1981-84, filed an affidavit stating that he had no reason to doubt Mr. Safron's "most thorough" handling of the case as he had always done excellent work in the past for the Department.

In affidavits filed by Mr. Safron's coworkers on the case,⁵ the State showed that no one other than himself was aware of his ongoing negligence in answering the December 21, 1984 order. Despite this, the majority places the blame for a single attorney's actions on the State when the record shows that the State had little or no knowledge of the attorney's then contemporaneous actions and completely relied on his work, being assured by his past accomplishments. Mr. Safron had never shown dereliction in the past representing the State and the Department of Corrections, both of which placed their confidences in his abilities to properly conduct the case. The record discloses no reason that the State should have doubted his conduct of the ongoing litigation. But, despite these facts,

⁴*North Carolina v. Alford*, 400 U.S. 25 (1970); *Parker v. North Carolina*, 397 U.S. 790 (1970); *North Carolina v. Rice*, 404 U.S. 244 (1971); *Ross v. Moffitt*, 417 U.S. 600 (1974); *Weinstein v. Bradford*, 423 U.S. 147 (1975); *Bounds v. Smith*, 430 U.S. 817 (1977); and *Jones v. North Carolina Prisoners' Labor Union*, 433 U.S. 119 (1977).

⁵Ben Irons, Chief Legal Adviser to the Secretary of Corrections, and Barbara Shaw, Department of Corrections employee, stated in affidavits that they relied on Mr. Safron to attend to the matter, both fully confident that he had done so. Lacy Thornburg, Attorney General for the State of North Carolina, also filed an affidavit stating that he was not aware of Mr. Safron's negligence in answering the December 21, 1984 order until the May 15, 1985 order.

the district court, and now this court, has foreclosed all consideration of the facts going to the merits of the case due to the neglect of one State's attorney who was in the sole position to monitor compliance with the district court's order.

The majority takes the controlling authority in this circuit to be *Compton v. Alton Steamship Co.*, 608 F.2d 96 (4th Cir. 1979), and I agree. Under *Compton*, four things are necessary for relief under FRCP 60(b)(6). The motion must be timely; it must be premised on a meritorious defense; there must be an absence of prejudice to the opposing party; and it must be accompanied by exceptional circumstances. *Compton* p. 102; *Smith v. Bounds*, 813 F.2d at p. 1303. The majority goes on to find that the first three requisites have been met by the defendants, that of timeliness, a meritorious defense, and absence of prejudice. Again, I agree. So that leaves our difference as to whether Rule 60(b) relief should have been afforded depending upon whether or not exceptional circumstances existed. The majority holds that they did not.

I suggest, however, that the majority has overlooked not only the holding of *Compton* but also its reasoning. In *Compton*, we held it was error not to set aside a judgment based on just such conduct, where a shipowner who had been sued for wages had passed along all of the papers to a charterer who was operating the ship "since it [the shipowner] had reason to assume Bulk Food Carriers would enter an appropriate defense." 608 F.2d at 103. Under those circumstances, where a relatively small wage claim was multiplied many times by an erroneously applied penalty statute, we held it an abuse of discretion not to set aside the judgment on proper application. As our reasoning for granting relief under Rule 60(b)(6), we described that rule as the "'catchall' clause . . . [citation omitted] because it provides the court with 'a grand reservoir of equitable power to do justice in a particular case,'" citing 7 *Moore's Federal Practice* § 60.27[2]. We continued that the rule vests power in courts adequate to enable them to vacate judgments whenever such action is appropriate to accomplish justice, quoting *Klapprott v. United States*, 335 U.S. 601, 614-15 (1949). We concluded that *Compton* was "just such an extraordinary case" where Rule

60(b)(6) was intended to afford relief. I contend that this is a like case. Not only is the record devoid of any action by the State, as contrasted with its attorney, which would indicate any recalcitrance or footdragging, it is full of papers which indicate that the State had proceeded to comply with our mandate in *Harrington II* and that her attorney simply neglected to file the papers. I think that is an exceptional circumstance which warrants relief. As we held in *Compton*, I would hold the action of the district court in this case declining to grant relief under Rule 60(b)(6) to be an abuse of its discretion.

I am authorized to state that Judges Russell, Wilkinson and Wilkins join in this dissent.

APPENDIX E

42 USCS § 1983. Civil action for deprivation of rights

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

(R. S. § 1979; Dec. 29, 1979, P. L. 96-170, § 1, 93 Stat. 1284.)

APPENDIX F

FIRST AMENDMENT UNITED STATES CONSTITUTION

AMENDMENT I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

APPENDIX G

FOURTEENTH AMENDMENT SECTION 1 UNITED STATES CONSTITUTION

AMENDMENT XIV.

§ 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the

United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

APPENDIX H

RULE 60 FEDERAL RULES OF CIVIL PROCEDURE

Rule 60. Relief From Judgment or Order

(a) **Clerical Mistakes.** Clerical mistakes in judgments, orders or other parts of the record and errors therein arising from oversight or omission may be corrected by the court at any time of its own initiative or on the motion of any party and after such notice, if any, as the court orders. During the pendency of an appeal, such mistakes may be so corrected before the appeal is docketed in the appellate court, and thereafter while the appeal is pending may be so corrected with leave of the appellate court.

(b) **Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud, etc.** On motion and upon such terms as are just, the court may relieve a party or a party's legal representative from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party; (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application; or (6) any other reason justifying relief from the operation of the judgment. The motion shall be made within a

reasonable time, and for reasons (1), (2), and (3) not more than one year after the judgment, order, or proceeding was entered or taken. A motion under this subdivision (b) does not affect the finality of a judgment or suspend its operation. This rule does not limit the power of a court to entertain an independent action to relieve a party from a judgment, order, or proceeding, or to grant relief to a defendant not actually personally notified as provided in Title 28, U.S.C., § 1655, or to set aside a judgment for fraud upon the court. Writs of coram nobis, coram vobis, audita querela, and bills of review and bills in the nature of a bill of review, are abolished, and the procedure for obtaining any relief from a judgment shall be by motion as prescribed in these rules or by an independent action.

(As amended Dec. 27, 1946, eff. Mar. 19, 1948; Dec. 29, 1948, eff. Oct. 20, 1949; Mar. 2, 1987, eff. Aug. 1, 1987.)

APPENDIX I

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA

ROBERT (BOBBY) SMITH, et. al.,)	
)	
<i>Plaintiffs</i>)	
	)	NO. 3052 CIVIL
VS.	)	RALEIGH
	)	DIVISION
VERNON LEE BOUNDS, et al.,)	
)	
<i>Defendants</i>)	

DONALD W. MORGAN, et. al.,)	
)	
<i>Plaintiffs</i>)	
	)	NO. 4277 CIVIL
VS.	)	RALEIGH
	)	DIVISION
R. L. TURNER,)	
)	
<i>Defendant</i>)	

JOHN HARRINGTON, et. al.,)	
)	
<i>Plaintiffs</i>)	
	)	NO. 790 CIVIL
VS.	)	WASHINGTON
	)	DIVISION
JAMES HOLSHOUSER, et al.,)	
)	
<i>Defendants</i>)	

ORDER

This action is before the court on plaintiffs' motion for attorney's fees, motion for partial summary judgment, and motion for an order compelling defendants to report on their compliance with their constitutional obligation to provide inmates with adequate legal facilities. The time for response has run, and defendants have failed to respond to any of the motions. Accordingly, all are ripe for disposition.

HISTORY OF THE CASE

Plaintiffs initially brought these actions separately in the early 1970's. As each action challenged the adequacy of the North Carolina Department of Correction's legal research facilities, they were consolidated by the court. In 1974, Judge Larkins granted plaintiffs' motion for summary judgment and ordered the state to submit either a plan to provide inmates with adequate library facilities or some reasonable alternative plan. The state submitted a plan which was separated into three components. First, the state would establish regional law libraries in prisons across the state. Second, the state would develop procedures for their use by inmates. And third, the state would train inmate paralegals to staff each of the libraries. This plan was approved by Judge Larkins, who also ordered the state to file upon implementation of the plan a Certificate of Compliance. Judge Larkins' order was affirmed by the Fourth Circuit Court of Appeals *Smith v. Bounds*, 538 F.2d 541 (4th Cir. 1975), and by the Supreme Court, *Bounds v. Smith*, 430 U.S. 817 (1977).

In December of 1978, after providing books for ten "full" and eleven "core" law libraries, the state filed a Certificate of Compliance, and this court dismissed the action. The Court of Appeals vacated that order *Harrington v. Holshouser*, 598 F.2d 614 (1979) (unpublished), concluding that the burden was on the state to show compliance with all aspects of the plan. Specifically, the Court of Appeals ordered this court to consider plaintiffs' claims that: (1) defendants had failed to comply with the requirements that there be a trained inmate

paralegal at each library; (2) they had failed to provide any information regarding free copying services for indigent inmates; (3) defendants had failed to show that there were adequate bed spaces available at the prison units with libraries for inmates seeking short-term transfers to use those libraries; and (4) the policy of limiting access to the libraries for inmates on disciplinary segregation was impermissible.

On remand, an evidentiary hearing was held and on April 18, 1983 this court concluded that the state successfully had implemented its plan and dismissed the action. Plaintiffs again appealed and the Court of Appeals affirmed that decision in part, vacated in part, and remanded the action for further proceedings. *Harrington v. Holshouser*, 741 F.2d 66 (4th Cir. 1984). The court found that the defendants had adequately provided bed space for inmates who needed to be transported from prisons without library facilities, and affirmed this court's decision on that issue. *Id.* at 69.

With respect to the question of library use by segregated inmates, the state's regulations provide that requests for law library use are divided into two categories, the first being those made by inmates with legal deadlines to meet and the second being those without deadlines. Inmates serving on disciplinary segregation are only permitted to use the law library if they have made a Category I request. However, at the time this action was appealed,¹ 5 N.C.A.C. 2B.0205 provided that inmates could serve only fifteen days in a row on disciplinary segregation and were entitled to a forty-eight hour release from segregation at the end of each fifteen-day period. Therefore, those inmates with Category II requests would have to wait a maximum of fifteen days before being permitted to use the law library. The Court of Appeals concluded that this length of time was constitutionally acceptable, and affirmed this court's ruling on that issue. *Id.* at 68-69.

However, the Court of Appeals reversed as to the issues of free copying for indigents and the use of inmate paralegals. With respect to the former issue, the court found that the state had not provided any information about the availability or the use of copy machines by any prisoners. Thus, they concluded,

¹Those regulations have been changed and are the subject of plaintiffs' motion for partial summary judgment, discussed *infra* at pages 9-10.

the issue must be remanded to the district court to assess whether the state's policies are in accord with its plan. *Id.* at 69.

The Court of Appeals also found that the state had failed to show that it had staffed the law libraries with trained inmate paralegals, as required by the plan. Hence, this court must determine whether, in the interim, the state has begun adequate training programs for inmate paralegals and whether it has placed those paralegals in the law libraries to assist other inmates. *Id.* at 69-70.

Finally, the Court of Appeals noted that defendants' answers to interrogatories disclosed that only seventy-six percent of inmates requesting library use at Central Prison and sixty-four percent of those requesting use at Polk Youth Center had actually been scheduled for use. The court directed this court to make findings concerning requests that were not scheduled to determine whether the denials were justified. The court also directed this court to inquire into any other matters addressed by the parties or that it deems appropriate. *Id.* at 70.

MOTION FOR ATTORNEY'S FEES

Based on the outcome of their most recent appeal, plaintiffs have moved for an award of attorney's fees pursuant to 42 U.S.C. § 1988. They assert that they are the prevailing party even though they did not receive all of the relief they sought, since the principal issue on appeal was the training and placement of inmate paralegals. The court agrees. To be a prevailing party for purposes of awarding attorney's fees under Section 1988, a party need not prevail on all issues if a significant one is resolved in its favor. *Lotz Realty Company, Inc. v. United States Department of Housing and Urban Development*, 717 F.2d 929, 931 (4th Cir. 1983). Plaintiffs clearly prevailed on several significant issues before the Court of Appeals. Hence, they are entitled to a reasonable attorney's fee.

In determining the amount of attorney's fees to be awarded, the court is guided by twelve factors initially set out in

Johnson v. Georgia Highway Express, Inc., 488 F.2d 714, 716-719 (5th Cir. 1974), and adopted by the Fourth Circuit in *Barber v. Kimbrell's, Inc.*, 577 F.2d 216, 226 (4th Cir.), *cert. denied*, 439 U.S. 934 (1978). Those factors are: (1) the time and labor expended; (2) the novelty and difficulty of the questions raised; (3) the skill required to perform properly the legal services rendered; (4) the attorney's opportunity costs in pressing the instant litigation; (5) the customary fee for like work; (6) the attorneys' expectations at the outset of the litigation; (7) the time limitations imposed by the client or the circumstances; (8) the amount in controversy and the results obtained; (9) the experience, reputation and ability of the attorney; (10) the undesirability of the case within the legal community in which the suit arose; (11) the nature and length of the professional relationship between attorney and client; and (12) attorneys' fees awards in similar cases.

Plaintiffs' counsel asserts that he spent a total of 98.5 hours on the present appeal. The state does not challenge this assertion. Upon review of the record on appeal and accompanying materials the court concludes that counsel's estimation of his time spent on the appeal is reasonable.

The questions raised in this appeal were not novel, having already been discussed in prior appeals in this action. Likewise, counsel's skill for purposes of this appeal was not nearly so important as his tenacity. As far as the opportunity costs of pressing this appeal, counsel is a salaried professor at the University of North Carolina Law School, so his main source of income was not affected by this litigation. However, counsel's sole opportunity to receive attorney's fees is through Section 1988 since his clients are inmates with little or no income. His "expectations" did not include the possibility of a large contingent fee. Furthermore, the nature of his clients and of this action clearly make the case one of the least desirable imaginable. Counsel also has not received any compensation for his work on this case since May of 1979.

The nature and length of counsel's relationship with his clients also favors an award of fees. He has been involved in this case since the early 1970's, and has prosecuted his client's claims vigorously. His experience, reputation and ability in the field of prisoners' rights is well known.

Finally, although there is no "amount in controversy" at this stage of the litigation, the potential relief available to plaintiffs, in the form of increased legal services, is substantial. And although plaintiffs did not obtain complete relief in the Court of Appeals, they prevailed on several significant issues.

With respect to the customary fee for like work, the North Carolina Bar Association recently has conducted a survey regarding the hourly rate for attorneys based on their experience and location. This survey provides a helpful benchmark for determining the proper amount of attorney's fees to be awarded in these cases. According to the Martin-dale-Hubbell Law Directory, plaintiff's counsel received his license to practice law in 1966. As stated before, he is a professor at the University of North Carolina Law School in Chapel Hill and also practices there. According to the Bar Association survey, an attorney with his experience in his location would command an hourly rate of \$75.00.² Based on the other factors discussed hereinbefore, the court concludes that this is a reasonable rate. Therefore, plaintiff's counsel is entitled to attorney's fees in the amount of \$7,387.50.

Counsel also seeks an "upward adjustment" in this fee pursuant to *Blum v. Stenson*, ____ U.S. ____, 104 S.Ct. 1541 (1984), based on the difficulties he has faced in proceeding with the action and the fact that he has received little or no compensation for his representation since 1979. With respect to the difficulties counsel has faced, he cites the state's lack of cooperation in discovery and certain personal attacks by counsel for the state, increasing the pressure under which plaintiffs' counsel has had to work. However, while there is support in the record for both of counsel's contentions, those

²As one of the factors in the survey was law firm size, which is inapplicable in Mr. Nakell's case, the court averaged this amount from the amounts awarded an attorney in a law firm with five to nine members and one with ten to nineteen members. See *North Carolina Bar Association Survey 1984*, p. 17.

factors do not warrant the kind of upward adjustment discussed in *Blum v. Stenson*. Counsel has failed to offer specific evidence to show either that the quality of service rendered was superior to what one reasonably should expect in light of the hourly rates charged or that plaintiffs' success on appeal was exceptional. *Id.*, 104 S.Ct. at 1549. The quality of counsel's representation is reflected in the hourly rate awarded, and plaintiffs' success on appeal was only partial. Therefore, the court declines to grant counsel any upward adjustment on that base sum.

Accordingly, defendants are hereby ordered, pursuant to 42 U.S.C. § 1988, to pay plaintiffs' counsel attorney's fees in the amount of \$7,387.50.

MOTION FOR PARTIAL SUMMARY JUDGMENT

As stated before, one of the issues on appeal was whether inmates on disciplinary segregation could be denied access to the law library when they had no legal deadlines to meet. The Court of Appeals held that since 5 N.C.A.C. 2B.0205 required the Department of Correction to release inmates for forty-eight hours after each fifteen-day term, those inmates could be denied access for at most fifteen days, and that this delay was reasonable.

However, while the action was pending before the Court of Appeals, the Department changed its regulations regarding the length of time an inmate may serve on disciplinary segregation. Inmates now may receive consecutive terms in disciplinary segregation for a maximum of thirty days without any interval between them. 5 N.C.A.C. 2B.0205. Hence, an inmate may have to wait as long as thirty days before his Category II request for law library use is allowed.

Plaintiffs have moved for partial summary judgment on this issue, requesting the court to find that the state is not in compliance with its constitutional obligation to provide inmates on disciplinary segregation with meaningful access to the courts, and requiring defendants to submit a plan which will bring it into compliance. As with the other motions before

the court, the state has offered no response.

Plaintiffs' motion will be allowed. While a fifteen-day delay between law library appointments is constitutionally reasonable, a thirty-day delay is not. Accordingly, the state is ordered to submit, within thirty days, its plan for providing inmates on disciplinary segregation with reasonable access to prison law libraries. Plaintiffs will then have thirty days to respond to the proposed plan.

MOTION TO COMPEL COMPLIANCE

The Court of Appeals remanded this action to give the state the opportunity to show that it is in compliance with its plan regarding training and use of inmate paralegals, free use of copying machines by indigent inmates, and the availability of prison law libraries in light of the large number of requests which have been denied. Since remand, the state has moved this court to compel defendants to comply with the mandate of the Court of Appeals and come forth with evidence showing that the state is or will shortly be in compliance with its plan. The motion will be allowed. Defendants are ordered to file within thirty days all materials which they contend show that the concerns expressed by the Court of Appeals have been alleviated and that they have met their burden of providing all inmates with constitutionally adequate law library facilities. Again, plaintiffs will be given thirty days from the receipt of these materials to provide any comments, objections or suggestions which they deem appropriate.

SUMMARY

In summary, it is hereby

ORDERED that:

1. Defendants pay plaintiffs' counsel the sum of \$7,387.50 as attorney's fees pursuant to 42 U.S.C. § 1988;

2. Plaintiffs' motion for partial summary judgment be granted and defendants submit within thirty days a plan for providing reasonable law library access to those inmates on disciplinary segregation;

3. Plaintiffs' motion to compel compliance be granted and that defendants submit, within thirty days, any materials which they contend show that they are or shortly will be in compliance with their plan. Plaintiffs will be given thirty days from the date they receive these materials to respond. Should disputed issues of fact arise, an evidentiary hearing will be scheduled.

/S/F.T. Dupree, Jr.
F.T. DUPREE, JR.
UNITED STATES
DISTRICT JUDGE

December 21, 1984.

I certify the foregoing to be a true and correct copy of the original.

J. Rich Leonard, Clerk
United States District
Court Eastern District of
North Carolina

/S/By Lorita K. Pinnix
Deputy Clerk

APPENDIX J
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

ROBERT (BOBBY) SMITH, et al.,)		
<i>Plaintiffs</i>)		
VS.)		NO. 3052 CIVIL
	)	RALEIGH DIVISION
VERNON LEE BOUNDS, et al.,)		
<i>Defendants</i>)		

DONALD W. MORGAN, et al.,)		
<i>Plaintiffs</i>)		
VS.)		NO. 4277 CIVIL
	)	RALEIGH DIVISION
R. L. TURNER,)		
<i>Defendant</i>)		

JOHN HARRINGTON, et al.,)		
<i>Plaintiffs</i>)		
VS.)		NO. 790 CIVIL
	)	WASHINGTON
	)	DIVISION
JAMES HOLSHOUSER, et al.,)		
<i>Defendants</i>)		

ORDER

In accordance with the opinion entered this day, it is hereby
ORDERED that:

1. The defendants are not in compliance with their constitutional obligation to provide inmates of the North Carolina prisons with adequate assistance in their access to the courts;
2. The only way to insure that inmates do receive meaningful access to the courts is to require defendants to provide

them, in some form, with the assistance of counsel;

3. The parties are hereby directed to submit, within sixty days from the date of this order, their proposed plans for insuring that inmates do receive adequate legal assistance. As soon as a new plan is adopted by the court and in place, it will supplant the plan currently in existence.

/S/F.T. Dupree, Jr.
F.T. DUPREE, JR.
UNITED STATES
DISTRICT JUDGE

May 14, 1985.

I certify the foregoing to be a true and correct copy of the original.

D.J. Rich Leonard, Clerk
United States District
Court
Eastern District of North
Carolina

/S/By J. Ronald Jones, Jr.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

ROBERT (BOBBY) SMITH, et al.,)
Plaintiffs)

VS.

NO. 3052 CIVIL
RALEIGH DIVISION

VERNON LEE BOUNDS, et al.,)
Defendants)

DONALD W. MORGAN, et al.,)
Plaintiffs)

VS.

NO. 4277 CIVIL
RALEIGH DIVISION

R. L. TURNER,)
Defendant)

JOHN HARRINGTON, et al.,)
Plaintiffs)

VS.

NO. 790 CIVIL
WASHINGTON
DIVISION

JAMES HOLSHOUSER, et al.,)
 Defendants)

OPINION

In the early 1970's, plaintiffs brought these actions challenging the adequacy of the North Carolina Department of Correction's legal research facilities. The cases were consolidated and in 1974, Judge Larkins granted plaintiffs' motion for summary judgment, ordering the state to submit either a plan to provide inmates with adequate library facilities or some reasonable alternative plan. The state submitted a plan which was separated into three components. First, the state would establish regional law libraries in prisons across the state.

Second, the state would develop procedures for their use by inmates. And third, the state would train inmate paralegals to staff each of the libraries. This plan was approved by Judge Larkins, who also ordered the state to file upon implementation of the plan a Certificate of Compliance. Judge Larkins' order was affirmed by the Fourth Circuit Court of Appeals, *Smith v. Bounds*, 538 F.2d 541 (4th Cir. 1975), and by the Supreme Court, *Bounds v. Smith*, 430 U.S. 817 (1977). The Supreme Court specifically held

that the fundamental constitutional right of access to the courts requires prison authorities to assist inmates in the preparation and filing of meaningful legal papers by providing prisoners with adequate law libraries or adequate assistance from persons trained in the law.

Id. at 828.

At the time he entered his 1974 order, Judge Larkins directed the state to implement its plan within 120 days. However, the state made no effort to advise the court of its progress until June of 1978, more than a year after the Supreme Court's decision, when it sent Judge Larkins a letter informing him that all of the law libraries were in place and new regulations had been adopted regarding their use. In reliance on that letter, the court dismissed these actions. After plaintiffs protested this action, the state filed on November 1, 1978 a Certificate of Compliance raising essentially the same contentions as in its letter and asserting that it accordingly was in full compliance with its plan. Pursuant to the court's order, the state subsequently purchased copies of a legal research book for its eleven core libraries and filed another Certificate of Compliance asserting that it was in full compliance with the court's 1974 order, as modified.

On appeal, the Court of Appeals vacated the district court's order, *Harrington v. Holshouser*, 598 F.2d 614 (4th Cir. 1979) (unpublished) (*Harrington I*), concluding that the burden was on the state to show compliance with all aspects of the plan. Specifically, the Court of Appeals ordered this court to consider plaintiffs' claims that: (1) defendants had failed to

comply with the requirements that there be a trained inmate paralegal at each library; (2) they had failed to provide any information regarding free copying services for indigent inmates; (3) defendants had failed to show that there were adequate bed spaces available at the prison units with libraries for inmates seeking short-term transfers to use those libraries; and (4) the policy of limiting access to the libraries for inmates on disciplinary segregation was impermissible.

On remand, the action was referred to Magistrate Logan Howell for further proceedings. When Magistrate Howell became ill, the case was withdrawn from his docket and eventually transferred to the undersigned. During this period, plaintiffs sought to monitor the state's progress and insure implementation of its plan by propounding interrogatories and requests for production. They filed their first set of interrogatories on July 26, 1979. Having heard nothing after three months, plaintiffs filed a motion to compel. Defendants then filed a motion for extension of time until November 1, 1979 to answer, which motion was granted by the court. However, that date passed with no answers or objections being filed. Plaintiffs then sought a hearing on the motion, and one was set for June 3, 1980. On May 29, 1980, five days before the hearing was to be held, defendants filed their answers to plaintiff's interrogatories. No explanation was given for the state's failure to respond earlier. Furthermore, the answers were contained in an affidavit submitted by W. L. Kautzky, then deputy director of the Division of Prisons. The affidavit was dated November 6, 1979, almost six months before the answers were filed and served on the plaintiffs. Again, no reason was given for this delay.

A similar delay occurred with respect to plaintiffs' fourth set of interrogatories, served September 9, 1982. The state did not offer any response whatsoever until the court granted plaintiffs' unopposed motion to compel on December 1, 1982. On December 9, they filed a motion to extend time to answer until January 15, 1983, which motion was granted. Defendants subsequently filed their answers on January 11.

The case proceeded in this manner throughout. For exam-

ple, on February 17, 1981, defendants were directed to submit within ninety days a statement of the means by which they would promptly comply with their obligation to train inmate paralegals. They were further ordered to file within thirty days a profile of the actual operation of Department of Correction Regulation 5 N.C.A.C. 2G.0203 regarding the limited use of law library facilities by inmates on disciplinary segregation. On May 8, 1981, defendants asked for and received an extension of time to respond until August 7, 1981. Their response was filed on that date, and consisted of affidavits of two Department of Correction employees regarding the implementation of the inmate paralegal training program and the use of law library facilities by inmates serving on disciplinary segregation.

The parties continued to conduct discovery, and on January 28, 1982 plaintiffs filed a "Motion for an Order that Defendants Comply with Their Plan." The state did not respond to the motion until May 3, 1982, two weeks after the court had issued an order directing defendants to show cause within ten days why plaintiffs' motion should not be granted. In that response, defendants basically summarized their previous filings. With respect to the inmate paralegal training program, no mention was made as to whether that program had actually been instituted. Consequently, the court entered an order on May 7, 1982 directing the parties to submit within thirty days satisfactory alternatives to (1) the program schedules for the training of paralegals, (2) the bed space requirement to library access by inmates from non-library units and (3) library access for inmates on disciplinary segregation who did not have legal deadlines. Plaintiffs filed their response on May 28, 1982. Defendants did not respond to the order until September 3, 1982, when a hearing was held before this court. At the conclusion of the hearing, the court ordered the state to file a statement detailing its efforts to comply with each provision of its plan. Defendants did so, and based on that statement, the court dismissed the action.

Plaintiffs again appealed and the Court of Appeals affirmed this court's decision in part, vacated it in part, and remanded the action for further proceedings. *Harrington v. Holshouser*,

741 F.2d 66 (4th Cir. 1984) (*Harrington II*). The court found that the defendants had adequately provided bed space for inmates who needed to be transported from prisons without library facilities, and affirmed this court's decision on that issue. *Id.* at 69.

With respect to the question of library use by segregated inmates, the state's regulations provide that requests for law library use are divided into two categories, the first being those made by inmates with legal deadlines to meet and the second being those without deadlines. Inmates serving on disciplinary segregation were, until recently, only permitted to use the law library if they made a Category I request. However, at the time this action was appealed, 5 N.C.A.C. 2B.0205 provided that inmates could serve only fifteen days in a row on disciplinary segregation and were entitled to a forty-eight hour release from segregation at the end of each fifteen-day period. Therefore, those inmates with Category II requests would have to wait a maximum of fifteen days before being permitted to use the law library. The Court of Appeals concluded that this length of time was constitutionally acceptable, and affirmed this court's ruling on that issue. *Id.* at 68-69.

However, the Court of Appeals reversed as to the issues of free copying for indigents and the use of inmate paralegals. With respect to the former issue, the court found that the state had not provided any information about the availability or the use of copy machines by any prisoners. Thus, they concluded, the issue must be remanded to the district court to assess whether the policies are in accord with its plan. *Id.* at 69.

The Court of Appeals also found that the state had failed to show that it had staffed the law libraries with trained inmate paralegals, as required by the plan. Hence, this court was required to determine whether, in the interim, the state had begun adequate training programs for inmate paralegals and whether it had placed those paralegals in the law libraries to assist other inmates. *Id.* at 69-70.

Finally, the Court of Appeals noted that defendants' answers to interrogatories disclosed that only seventy-six

percent of inmates requesting library use at Central Prison and sixty-four percent of those requesting use at Polk Youth Center had actually been scheduled for use. The court directed this court to make findings concerning requests that were not scheduled to determine whether the denials were justified. The court also directed this court to inquire into any other matters addressed by the parties or that it deemed appropriate. *Id.* at 70.

The action was again remanded to this court, where the plaintiffs promptly filed motions for partial summary judgment and for an order compelling defendants to report on their obligation to provide inmates with adequate legal facilities. Defendants again failed to respond to the motions in any manner. The motion for partial summary judgment related to the question of law library access for inmates on disciplinary segregation who had no legal deadlines to meet. The Court of Appeals ruled that since 5 N.C.A.C. 2B.0205 required the Department of Correction to release inmates for forty-eight hours after each fifteen-day term, those inmates could be denied access for at most fifteen days, and that this delay was reasonable.

However, while the action was pending before the Court of Appeals, the Department changed its regulations regarding the length of time an inmate may serve on disciplinary segregation. Inmates now may receive consecutive terms in disciplinary segregation for a maximum of thirty days without any interval between them, 5 N.C.A.C. 2B.0205, thus requiring an inmate to wait as long as thirty days before his Category II request for law library use was allowed. Based on this change, plaintiffs' motion for summary judgment was granted on the grounds that a thirty-day delay between law library appointments was not constitutionally reasonable. The state was ordered to submit, within thirty days, its plan for providing inmates on disciplinary segregation with reasonable access to prison law libraries.

Plaintiffs' motion to compel compliance sought to have this court compel defendants to comply with the mandate of the Court of Appeals and come forward with evidence showing

that the state is or will shortly be in compliance with its plan regarding the training and use of inmate paralegals, the free use of copying machines by indigent inmates, and the availability of prison law libraries in light of the large number of requests which had been denied. This motion was allowed and defendants were ordered to file within thirty days all materials showing that they had met their burden of providing all inmates with constitutionally adequate law library facilities.

As with past orders, defendants filed no response. Plaintiffs consequently moved the court, on January 30, 1985, to issue its judgment finding that defendants are not in compliance with their constitutional obligations. The time for response has run, defendants again have not responded, and the motion accordingly is ripe for disposition.

With one exception, plaintiffs' motion will be granted. That exception involves the use of the law libraries by inmates on disciplinary segregation. In November of 1984, the Department of Correction amended its regulations regarding this issue.¹ 5 N.C.A.C. 2G.0203(d) now provides as follows:

(1) Inmates assigned to disciplinary segregation shall be permitted to use the law library. Inmates transferred while on disciplinary segregation shall not receive segregation credit for days spent out of their cells for library purposes.

(2) After proper notice and hearing, an inmate who poses a threat of harm to the staff, or the law library facility can be denied permission for law library research while assigned to disciplinary segregation. Advance written notice on form DC-138 shall be given to an inmate if the question of restricted law library use is to be considered by the disciplinary committee. The notice shall advise the inmate that the disciplinary committee will hear evidence and make a recommendation to the Area Administrator, Institution Head, or their respective designees as to

¹It should be noted that defendants did not submit these amendments or even inform the court of their existence. The court receives a copy of the Department of Correction regulations and noted the changes when it received the amendments in the mail.

whether the inmate poses such a threat of harm as to require that he should not be released from segregation. Such notice must reasonably inform the inmate of the reasons why he poses a threat of harm to the law library or its staff. At the hearing, the inmate shall be confronted with any relevant information tending to indicate that he is a danger to the library or its staff. At the hearing, the inmate shall be confronted with any relevant information tending to indicate that he is a danger to the library or its staff. He shall be given an opportunity to present relevant evidence, including statements from witnesses, and to refute the information against him. A record of the proceedings shall be maintained on form DC-138(c). The committee's recommendation shall be forwarded to the Area Administrator, Institution Head or their respective designees. The decision of the Area Administrator, Institution Head or designee must be based upon the record of the hearing.

The court concludes that this regulation insures that inmates confined to disciplinary segregation will have the same access to the law libraries as all other inmates. Therefore, the court must decline to grant plaintiffs' judgment with respect to this issue.

However, with respect to the remaining issues, that is, the availability of free photocopying of the legal materials of indigent inmates, the training and placement of inmate paralegals and the availability of prison law libraries to all inmates, plaintiffs' motion will be allowed. Defendants' plan for assuring adequate law library facilities has been in existence for over a decade, yet they have consistently failed to implement that plan in a constitutionally adequate manner. With respect to the availability of free copying services, the state has yet to show this court that it provides indigent inmates with the facilities to photocopy free of charge all materials required to be filed with the court. Upon independent research,² the court notes that the Department of Correction has amended its regulations regarding the use of

²See Footnote 1 *supra*, at page 9.

photocopying machines for legal materials. 5 N.C.A.C. 2G.0202(a) now provides, in pertinent part, that

All inmates will be provided free of charge with the number of copies of the petition, the complaint, and exhibits required by the Court, plus one copy of the complaint, petition, and exhibits for retention by the inmate. No additional photocopying will be furnished.

However, this provision does not permit indigent inmates free copies of other required filings, such as affidavits or memoranda. Therefore, it does not appear that the regulation as amended satisfies the state's obligations under its plan.

With respect to the use of inmate paralegals, the Court of Appeals' review in *Harrington II* of the state's efforts (or lack thereof) in this area is particularly illuminating.

The plan approved by the Supreme Court visualized inmates assigned to work in the libraries on a regular basis and "trained to the best extent possible" in legal research and assisting other inmates with research as an important component of the plan. A description of the State's efforts in this area since then is a chronology of failure. After several years of apparent inaction, the State conducted a single training session for paralegals in 1980; only two of thirty-one inmates staffing the library at that time had participated in that session. Two years later, only one more training session had been conducted for the State, this one by a professor of law at the University of North Carolina. After an unsuccessful attempt to find professionals at North Carolina Central University, Meredith College, and Campbell University to conduct the workshops, the State reported on October 1, 1982, that it had contracted with Durham Technical Institute to provide three five-day workshops annually. As we have observed earlier, the record before this court contains no indication that this proposed training program has even been undertaken let alone been successful.

741 F.2d at 69-70. More than two and one-half years after the state's October 1, 1982 report, there still is no indication that even one inmate ever took this training program.

The large number of law library requests which have been denied, for which the state has offered no explanation, further indicates that the state has been unable to meet the legal needs of its inmates. Accordingly, a separate order will be entered finding that defendants are not in compliance with their constitutional obligation to provide inmates of the North Carolina prisons with adequate assistance in their access to the courts.

Of course, such a determination will mean little unless some remedy is fashioned which will insure that inmates do receive adequate access to the courts. Plaintiff's counsel has maintained throughout the course of this litigation that the best method to insure such access would be to set up a prisoner legal services program or provide some other form of assistance of counsel. The court now concludes that due to the state's inability or unwillingness to implement its plan, plaintiffs' proposal should be adopted in some form.

This conclusion has not been reached lightly. In *Harrington II*, filed in August of 1984, the Court of Appeals specifically rejected this proposal. 741 F.2d at 70. However, at some point, it must be recognized that in some cases the best laid plans are doomed to fail. This is one such case. When such a failure occurs, it is the court's duty to find an acceptable alternative which will insure that inmates receive adequate access to the courts. The court concludes that the best alternative would be to provide them with some form of assistance from trained attorneys.

This conclusion should not come as a revelation to anyone. In *Bounds v. Smith*, the Supreme Court clearly expressed its preference for the use of some form of legal services program for inmates.

It should be noted that while adequate law libraries are one constitutionally acceptable method to assure meaningful access to the courts, our decision here, as in [*Younger v.*] *Gilmore*. [404 U.S. 15

(1971,] does not foreclose alternative means to achieve that goal. Nearly half the States and the District of Columbia provide some degree of professional or quasi-professional legal assistance to prisoners. Brief for Respondents, Ex. B. Such programs take many imaginative forms and may have a number of advantages over libraries alone. Among the alternatives are the training of inmates as paralegal assistants to work under lawyers' supervision, the use of paraprofessionals and law students, either as volunteers or in formal clinical programs, the organization of volunteer attorneys through bar associations or other groups, the hiring of lawyers on a part-time consultant basis, and the use of full-time staff attorneys, working either in new prison legal assistance organizations or as part of public defender or legal services offices. Legal services plans not only result in more efficient and skillful handling of prisoner cases, but also avoid the disciplinary problems associated with writ writers, see *Johnson v. Avery*, 393 U.S., at 488; *Procunier v. Martinez*, 416 U.S. 396, 421-422 (1974). Independent legal advisors can mediate or resolve administratively many prisoner complaints that would otherwise burden the courts, and can convince inmates that other grievances against the prison or the legal system are ill-founded, thereby facilitating rehabilitation by assuring the inmate that he has not been treated unfairly. It has been estimated that as few as 500 full time lawyers would be needed to serve the legal needs of the entire national prison population.

430 U.S. at 830-32 (footnotes omitted).

Furthermore, this court is not the first to conclude that a state's law library system did not provide inmates with meaningful access to the courts and consequently directed a state to devise a plan providing for the assistance of counsel. In *Hooks v. Wainwright*, 536 F.Supp. 1330, 1341 (M.D.Fla.

1982), *appeal dismissed*, No. 82-5500 (11th Cir., Sept. 8, 1983). Senior District Judge Charles R. Scott held "that meaningful access to the courts on behalf of Florida's prisoners can be realized only through the assistance of attorneys, in one form or another." *See also Canterino v. Wilson*, 562 F.Supp. 106 (W.D.Ken. 1983). Judge Scott concluded that defendant's law library plan did not meet the requirements of *Bounds v. Smith* due to the following four grounds. First, the inmate paralegal program did not provide prisoners with adequate legal assistance.

The principal deficiency of the inmate law clerk plan . . . is that . . . it casts, with official sanction, laymen in the role of lawyers. While recognizing that the defendant's inmate law clerks serve a useful purpose, the plain and simple truth of the matter is that they are not qualified to function as lawyers. They are only law library assistants. The mere thought that a 30-hour "How To" course in legal research transforms an otherwise uneducated and untrained prisoner into someone capable of understanding and formulating meaningful legal reasoning is ludicrous.

536 F.Supp. at 1347 (footnote omitted).

Judge Clark also pointed out that inmate litigants and paralegals are unable to utilize outside resources to any meaningful degree, such as investigating cases or interviewing witnesses. *Id.* at 1348. Finally, Judge Clark noted that inmate law clerks might be unwilling to really "go to the mat" for a fellow inmate whose claim they thought meritorious for fear of jeopardizing their coveted position. *Id.* at 1348-49. All of these arguments apply in this case as well, especially where defendants have shown their inability to provide an adequate inmate paralegal training program.

Judge Clark's second observation was that the high degree of illiteracy among Florida's inmates³ made it virtually

³"[R]oughly half of Florida's inmates read at or below the seventh grade level. The typical inmate has a below average IQ, while twenty-two percent . . . of the prisoners have an IQ of less than 80, i.e., at or below the level that would be considered borderline retarded." *Id.* at 1343.

impossible for them to conduct meaningful research. *Id.* at 1341. Defendants' answers to plaintiff's interrogatories indicate that the level of illiteracy in North Carolina is just as great or greater than in Florida. The number of inmates who are achieving at or below seventh grade level is approximately seventy-five percent. The typical North Carolina inmate also has a below normal IQ, with twenty-nine per cent at dull normal or below and 11.4 percent at borderline retarded or below. One of the major reasons for initially requiring trained inmate paralegals in the state's original plan was to provide some minimal assurance that illiterate inmates would have some assistance in pursuing their legal claims. The state's total failure to develop an adequate training program has left these inmates to their own devices. Such action clearly denies illiterate inmates their constitutional right to meaningful access to the courts.

The third ground for finding that Florida's law library plan did not meet the requirements of *Bounds v. Smith* was that inmates housed in administrative confinement were not permitted to use the law library but were required to request specific legal materials from their cells. *Id.* at 1341. Thus, inmates on segregation were denied meaningful access to the court. See *Williams v. Leeke*, 584 F.2d 1336 (4th Cir. 1978), *cert. denied*, 442 U.S. 911 (1979). Prior to the amendments in the Department of Correction regulations discussed *supra* at pages 9-11, North Carolina inmates on disciplinary segregation also were denied meaningful access, because they might have to wait as long as thirty days before being permitted to use the law library. However, with the recent changes, they may use the law library on substantially the same basis as other inmates. Therefore, the third factor cited by Judge Clark is not a problem in North Carolina and accordingly is no longer at issue in this case.

The fourth and final factor indicating the inadequacy of Florida's law library system dealt with the large number and wide geographic dispersal of its correctional facilities, which made it difficult if not impossible to guarantee all inmates physical access to law libraries. 536 F.Supp. at 1343. This problem was addressed by the Fourth Circuit Court of

Appeals in *Harrington II* when it directed this court to inquire regarding answers to interrogatories showing "that only 76 percent of the inmates requesting library use at Central Prison, and 64 percent of those requesting use at Polk Youth Center, were scheduled for use." 741 F.2d at 70. The court attempted to make that inquiry in the December, 1984 order, but defendants failed to respond to that order in any fashion. Therefore, it must be concluded that inmates in North Carolina's prisons are not receiving adequate physical access to the prison law libraries to meet their legitimate legal research needs.

Thus, except for the issue of library access by inmates on disciplinary segregation, North Carolina's prison law library system suffers from the same inadequacies as Florida's system.⁴ Furthermore, Judge Clark's first, second and fourth grounds for deciding against the implementation of law libraries, all of which are present in North Carolina, clearly have a greater impact than the third factor, since they affect a much greater number of inmates. It should also be noted that Judge Clark found Florida's proposed law library plan inadequate *prior* to its implementation. North Carolina's law library system, which has been in operation for over ten years, has *proven* itself inadequate to assure inmates meaningful access to the courts.

Finally, the court would like to reemphasize some of the findings by the Supreme Court in *Bounds v. Smith* regarding the efficacy of giving inmates the opportunity to consult attorneys. Inmates raise many complaints relating to their confinement which do not raise constitutional grounds and which consequently are dismissed by the courts. These complaints waste a great deal of the courts', the state's and indeed, the inmates' time. The opportunity to consult with a disinterested outsider with knowledge of their legal rights clearly will ease the frustration many inmates feel, even where they do not receive all the relief they would like. Furthermore,

⁴These factors were also discussed in *Canterino v. Wilson, supra*, where Judge Edward H. Johnstone of the Western District of Kentucky ruled that the state should provide female inmates with the assistance of counsel because, unlike the male prison population in general, they did not have a history of self-help in the legal field and until recently had little access to adequate legal resources. 562 F.Supp. at 112.

the introduction of attorneys should help curb if not eliminate the abuse of courts' time by writ writers, who often will file a totally frivolous lawsuit for another inmate for a fee or will bring an action in their own name in the hope of receiving a free trip to the court to escape prison life for a day. Finally, the institution of a comprehensive plan which includes the use of attorneys will insure that those inmates' claims which do have merit will receive full and fair consideration, that settlement of these claims will become a real possibility, and that if they do reach the trial stage, they will not be hampered by the inmates' lack of knowledge and education.

During the course of this opinion, reference has been made to the adoption of some form of legal services plan. The court does not intend to indicate, at this time, that a particular plan should or should not be adopted. As the Supreme Court said in *Bounds v. Smith*, there are a number of alternatives. To insure all alternatives are considered, counsel for both sides will be directed to submit, within sixty days, a new plan which provides, in some form, for the assistance of licensed counsel.⁵ Defendants' current plan shall continue to be in effect in the interim, but as soon as the new plan is submitted, approved by the court, and in place it will supplant the law library plan currently in existence.

In 1974, the North Carolina Department of Correction was ordered to develop and implement a plan to guarantee its inmates meaningful access to the courts. The plan developed involved the institution and use of prison law libraries, which was expressly approved by the Supreme Court in *Bounds v. Smith* if the plan was properly implemented. However, eleven years after the court's order, the state has failed to implement the plan. It has proven itself unable or unwilling to insure that its law libraries are constitutionally adequate to meet its inmates' needs. Therefore, some alternative method must be found. For the reasons set out hereinbefore, the court today concludes that the method must include, in some form, the

⁵Defendants are hereby placed on notice that the court will not tolerate any failure to respond to this order.

assistance of counsel.

An order will be entered in accordance with this opinion.

/S/F.T. Dupree, Jr.
F.T. DUPREE, JR.
UNITED STATES
DISTRICT JUDGE

May 14, 1985

I certify the foregoing to be a
true and correct copy of the
original.

J. Rich Leonard, Clerk
United States District
Court
Eastern District of North
Carolina

/S/By J. Ronald Jones, Jr.

APPENDIX K

**STATE OF NORTH CAROLINA
Department of Justice**

P.O. Box 629
RALEIGH
27602-0629

**LACY H. THORNBURG
ATTORNEY GENERAL**

May 29, 1985

The Honorable Franklin T. Dupree, Jr.
United States District Judge
Eastern District of North Carolina
Post Office Box 25670
Raleigh, North Carolina 27611

RE: SMITH v. BOUNDS, Civil No. 3052

Dear Judge Dupree:

I am succeeding Jacob L. Safron as counsel of record for the Department of Correction in the above-referenced matter. The Department of Correction plans to file a Motion for Reconsideration pursuant to F.R.Civ.P., Rule 60(b). The Department of Correction is in the process of gathering information which, I believe, will prove them to be in substantial compliance with the law library plan approved by the United States Supreme Court as to use, photocopying and trained paralegals. As soon as this information can be assembled, a Motion for Reconsideration will be filed, hopefully no later than June 14, 1985.

ST:fm

cc: Barry Nakell

bcc: Andrew Vanore
Ben Irons
Barbara Shaw

Sincerely,
LACY H. THORNBURG
Attorney General

/S/
Sylvia Thibaut
Associate Attorney General

APPENDIX L

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

ROBERT (BOBBY) SMITH, et al.,)
Plaintiffs)

v.

NO. 3052 CIVIL
RALEIGH DIVISION

VERNON LEE BOUNDS, et al.,)
Defendants)

DONALD W. MORGAN, et al.,)
Plaintiffs)

V.

NO. 4277 CIVIL
RALEIGH DIVISION

R. L. TURNER,)
Defendant)

JOHN HARRINGTON, et al.,)
Plaintiffs)

V.

) NO. 790 CIVIL
) WASHINGTON
) DIVISION

JAMES HOLSHOUSER, et al.,)
Defendants)

MOTION FOR RECONSIDERATION
(Federal Rules of Civil Procedure, Rule 60(b))

NOW COME the defendants, by Lacy H. Thornburg, Attorney General of the State of North Carolina, and Sylvia Thibaut, Associate Attorney General, who move the Court to reconsider its Order entered May 14, 1985 directing the defendants to come forward with an alternative method.

including the assistance of counsel, for providing inmates access to the courts. This Motion is made upon the grounds set forth in the defendant's accompanying Memorandum of Law, which is incorporated by reference, and to which this Court is respectfully referred.

This the 13th day of June, 1985.

LACY H. THORNBURG
Attorney General

/S/

Sylvia Thibaut
Associate Attorney General
N.C. Department of Justice
Post Office Box 629
Raleigh, North Carolina
27602
Telephone: (919) 733-7387
ATTORNEYS FOR
DEFENDANTS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served a copy of the foregoing document, Motion for Reconsideration (Federal Rules of Civil Procedure, Rule 60(b)), by depositing same in the United States Mail, postage prepaid, addressed to:

Mr. Barry Nakell
Professor of Law
The University of North
Carolina at Chapel Hill
Van Hecke-Wettach Hall
064A
Chapel Hill, North Carolina
27514

This the 13th day of June,
1985.

/S/

Sylvia Thibaut
Associate Attorney General

APPENDIX M

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA

ROBERT (BOBBY) SMITH, et al.,)	
<i>Plaintiffs</i>)	
	)	NO. 3052 CIVIL
v.	)	RALEIGH DIVISION
)	
VERNON LEE BOUNDS, et al.,)	
<i>Defendants</i>)	

DONALD W. MORGAN, et al.,)	
<i>Plaintiffs</i>)	
	)	NO. 4277 CIVIL
v.	)	RALEIGH DIVISION
)	
R. L. TURNER,)	
<i>Defendant</i>)	

JOHN HARRINGTON, et al.,)	
<i>Plaintiffs</i>)	
	)	NO. 790 CIVIL
v.	)	WASHINGTON
	)	DIVISION
JAMES HOLSHOUSER, et al.,)	
<i>Defendants</i>)	

I, JACOB L. SAFRON, being first duly sworn, do depose and say:

That I am a licensed attorney employed by the North Carolina Department of Justice as a Special Deputy Attorney General in the Education and Correction Section of the Attorney General's Office. I have been a member of the North Carolina Attorney General's staff for seventeen (17) years. One of my main responsibilities throughout the years has been to defend the State of North Carolina when it or its employees have been sued by North Carolina state prisoners.

In 1972 and 1973 several inmates, including Inmate Smith, filed civil actions alleging a denial of access to the courts. These cases were consolidated under SMITH v. BOUNDS, and have been on-going for thirteen (13) years. I have been counsel of record in these consolidated cases from the time each was originally filed until May 15, 1985. The Court is familiar with the procedural history of this civil action. My files alone consist of five (5) large boxes of pleadings, briefs and exhibits, as well as a full file cabinet.

This matter has been dismissed twice, by two different United States District Court Judges, has been to the United States Supreme Court, has been to the Fourth Circuit four times and in the United States District Courts numerous times. I have filed innumerable motions, briefs and certificates of compliance in this case. The Courts have decided, including the United States Supreme Court, that attorney assistance to inmate litigants is not constitutionally mandated.

I admittedly failed to respond to this Court's December 21, 1984 Order. I realize that this failure to respond was a neglect of my duties and I offer the Court my abject apologies for my omission. This omission was not authorized by my superior, Attorney General Lacy H. Thornburg, nor was it countenanced by him, or any member of his staff.

I deeply regret my failure to respond to the Court's December 21, 1984 Order and request that it will not be held against my clients, who actively prepared answers for the Court's December Order.

Respectfully submitted this 4th day of June, 1985.

Sworn to and subscribed
before me this 4th day of
June, 1985.

/S/
JACOB L. SAFRON,
AFFIANT

/S/
Judith E. Smith
Notary Public
My Commission expires:
7/26/86

APPENDIX N

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA

ROBERT (BOBBY) SMITH, et al.,)	
<i>Plaintiffs</i>)	
	)	NO. 3052 CIVIL
v.	)	RALEIGH DIVISION
)	
VERNON LEE BOUNDS, et al.,)	
<i>Defendants</i>)	

DONALD W. MORGAN, et al.,)	
<i>Plaintiffs</i>)	
	)	NO. 4277 CIVIL
v.	)	RALEIGH DIVISION
)	
R. L. TURNER,)	
<i>Defendant</i>)	

JOHN HARRINGTON, et al.,)	
<i>Plaintiffs</i>)	
	)	NO. 790 CIVIL
v.	)	WASHINGTON
	)	DIVISION
JAMES HOLSHOUSER, et al.,)	
<i>Defendants</i>)	

I, LACY H. THORNBURG, being first duly sworn, do depose and say:

That I am the Attorney General for the State of North Carolina. I was sworn into office on January 5, 1985. There are 124 attorneys on my staff who are responsible for representation of the State of North Carolina and its citizens. Although all of my staff attorneys are under my supervision, almost none of them are under my direct supervision, and obviously I am unable to supervise every case each of them handles in

their representation of the State of North Carolina.

On May 15, 1985 I became aware that Special Deputy Attorney General Jacob L. Safron had failed to respond to a December 21, 1984 Order from The Honorable United States District Court Judge Franklin T. Dupree, Jr. in the case of SMITH v. BOUNDS. Although Mr. Safron during his 17 years with the Attorney General's Office has had an unblemished record in handling similar civil litigation, this was a neglect of duty on his part and was neither directed nor countenanced by me or any member of my staff. As I had no prior knowledge of Judge Dupree's December 21, 1984 Order, I could not have avoided the failure to reply to it.

I respectfully urge the Court not to penalize the State for an unauthorized act done by one of its attorneys.

Respectfully submitted this 4th day of June, 1985.

/S/

LACY H. THORNBURG
ATTORNEY GENERAL OF
NORTH CAROLINA

Sworn to and subscribed before me this 4th day of June, 1985.

/S/

Judith E. Smith
Notary Public
My Commission expires:
7/26/86

APPENDIX O

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA

ROBERT (BOBBY) SMITH, et al.,)	
<i>Plaintiffs</i>)	
	)	NO. 3052 CIVIL
v.	)	RALEIGH DIVISION
)	
VERNON LEE BOUNDS, et al.,)	
<i>Defendants</i>)	

DONALD W. MORGAN, et al.,)	
<i>Plaintiffs</i>)	
	)	NO. 4277 CIVIL
v.	)	RALEIGH DIVISION
)	
R. L. TURNER,)	
<i>Defendant</i>)	

JOHN HARRINGTON, et al.,)	
<i>Plaintiffs</i>)	
	)	NO. 790 CIVIL
v.	)	WASHINGTON
	)	DIVISION
JAMES HOLSHOUSER, et al.,)	
<i>Defendants</i>)	

I, BARBARA A. SHAW, being first duly sworn, do depose and say:

That I am a licensed attorney employed by the North Carolina Department of Correction as a staff attorney. One of my responsibilities is to gather evidentiary material and draft affidavits for the use of the attorneys in the Corrections Section of the Attorney General's Office whenever prisoners file civil actions against the Department of Correction or its employees. Another of my responsibilities is to revise old

departmental policies and draft new ones as needed per the instructions of the Secretary of Correction and his senior attorney. I began employment with the Department of Correction in November of 1983.

I was assigned to assist the Attorney General's Office in the case of *BOUNDS v. SMITH*, subsequent to the December 21, 1984 Order issued by The Honorable United States District Court Judge Franklin T. Dupree, Jr. I had, at the direction of my supervisor, revised some of the Department of Correction's fiscal policies for the Secretary's approval just prior to the issuance of that Order. One of those policies concerned free photocopies for inmates. That policy was changed, to become effective January 1, 1985, to allow an inmate free copies of all documents needed by the Court and one free copy for the inmate's files. The type document that could be copied was not restricted in any manner.

When the *BOUNDS* case was assigned to me, I was told that the attorney in the Corrections Section of the Attorney General's Office who would be counsel of record was Special Deputy Attorney General Jacob L. Safron. I discussed the case with my supervisor, Ben G. Irons, and began to gather materials to respond to the Court's Order. Mr. Irons gave me instructions on how to proceed. I contacted people throughout the Division of Prisons who were responsible for the management of the law libraries and the training of law library assistants. I received voluminous materials in response. I notified Mr. Safron that I had received all these materials and asked for instruction as to what he needed to respond to the December Order. He told me to carefully review the materials in preparation for a meeting with him. I did carefully review the materials, but he did not schedule a meeting.

I notified Mr. Safron of the earlier change in the Departmental policy concerning photocopies by way of an Office Memorandum dated December 28, 1984, a copy of which is attached hereto and marked as Exhibit A. I advised Mr. Safron in that Memorandum that, in accordance with my supervisor's instructions, I was revising the policy on use of law libraries by inmates on disciplinary segregation. I also advised him that I had requested further information for

preparation of this case and to contact me for any assistance he needed. He did not contact me.

I did revise the Departmental policy, which revision was reviewed by my supervisor and approved by the Secretary of the Department of Correction, concerning access to law libraries for inmates assigned to disciplinary segregation so as to conform to the Court's December 1984 Order. By Departmental Transmittal Slip, a copy of which is attached hereto and marked as Exhibit B, I sent a copy of this revised policy to Mr. Safron on January 14, 1985, asking him to call me about affidavits necessary for a response in the BOUNDS case. Mr. Safron did not respond.

During this same time period, December, 1984 and January, 1985, I saw Mr. Safron and also talked to him on the telephone and inquired about the status of the BOUNDS case. He told me that he had other pressing court deadlines and would get back to me. I can only state that I, and every person I contacted for assistance in the Division of Prisons, did comply with the Court's December, 1984 Order to the best of our ability. It was my impression, from speaking to Mr. Safron and from his failure to get back to me as to what he needed in the BOUNDS case, that he had taken care of the matter and did not need any further affidavits or information.

I am still in possession of the information I gathered in December of 1984 in preparation for response to the December Order. I have updated that information and, at the instruction of the present counsel of record in the BOUNDS case, affidavits will be presented showing that the Department of Correction is, and has been for some time, in compliance with the proposed law library plan approved by the United States Supreme Court.

Respectfully submitted this 10th day of June, 1985.

Sworn to and subscribed
before me this 10 day of
June, 1985.

/S/

Lillie M. Grissom
Notary Public

My Commission expires:
9-25-88

/S/

Barbara A. Shaw
BARBARA A. SHAW,
Affiant

EXHIBIT A

STATE OF NORTH CAROLINA DEPARTMENT OF CORRECTION

OFFICE MEMORANDUM

DATE: December 28, 1984

TO : Mr. Jack Safron
Special Assistant Attorney General

FROM : Barbara Shaw
Agency Legal Specialist

RE : *Harrington v. Holshouser* No. 83-6271

In response to the Order filed December 21, 1984 in the case of *Harrington v. Holshouser*, I am attaching hereto copies of policy which will take effect January 1, 1985. Both policies concern photocopies provided to inmates. The revised policy provides that all inmates, including indigent inmates, will be provided free of charge with the number of copies of the petition, the complaint and exhibits required by the Court, plus one copy of the complaint, petition, and exhibits for retention by the inmate. The policy further provides that no additional photocopying will be furnished.

5 NCAC 2G .0202 is part of the Division of Prisons' Policies and Procedures Manual. 1C FISCAL ADMINISTRATION .1100 is a part of the Departmental Rules Guidebook. I have marked the portion of the policy pertaining to photocopying in yellow.

I am in the process of revising the policies on the use of the law library by inmates in disciplinary segregation. I have also asked Lynn Phillips to provide me with the other evidentiary material ordered by the Court. I will forward this material to you as soon as I receive it. If I can be of further help, please do not hesitate to contact me.

BS/eh

Enclosures

ACCESS TO THE COURTS

5 NCAC 2G COURT RELATED PROCEDURES .0200

.0201 GENERAL

It is the policy of the Division of Prisons that every inmate will be allowed reasonable access to the courts. Inmates will not be penalized due to allegations against the Department or its employees presented in petitions and complaints.

History Note: Statutory Authority G.S. 148-11;
Effective February 1, 1976.

.0202 ACCESS PROCEDURE

(a) Access to Supplies. Inmates will be provided with paper and writing implements to petition the courts for review of their cases or to file complaints concerning any matter. All inmates will be provided free of charge with the number of copies of the petition, the complaint, and exhibits required by the Court, plus one copy of the complaint, petition, and exhibits for retention by the inmate. No additional photocopying will be furnished.

(b) Notification Upon Service of Process. When a petition filed in federal court is actually served, copies will be provided for the office of the Secretary of Correction. Otherwise, no more copies of petitions or complaints will be filed. No copies of any petition or complaint may be retained in the unit jacket.

(c) Access to Legal Text. It is the policy of the Division of Prisons that all inmates in the State's prison system shall have reasonable access to legal materials and or a law library. Those inmates who are in segregated status and pose a threat to the library facility or its staff shall be provided legal materials upon request and/or other assistance as appropriate. Those inmates on disciplinary segregation shall be permitted to use the law library for Category I purposes only, (See rule .0203(c) below). All other inmates are eligible for and must be

provided reasonable access to legal materials and a law library in accordance with the provisions of this policy.

(d) Access to Assistance in Preparing for Litigation. Inmates must be allowed to assist other inmates in preparation of legal documents. The time, place and manner of such assistance are all subject to limitations due to custodial considerations, but no inmate may be denied reasonable access to assistance at the unit to which he is assigned. Inmates' assistants will be allowed to work on legal matters during weekends and evenings when security considerations permit. Inmate assistants will not be permitted to accept any compensation from other inmates for their work.

(e) Attorneys will be able to visit inmates consistent with Departmental policy. They must present proper credentials, and must be retained to represent the inmate in a matter pending or that may be pending before the court. The matter of fee for services rendered is a matter to be settled by the attorney and his inmate client.

(f) Notary publics will be made available to notarize legal papers at reasonable times.

(g) When an inmate appears in any court proceeding, either as a witness or party, he must wear civilian clothes. Discharge clothes will be provided for this purpose. An inmate may not wear matching grey, green, white, or brown shirt and pants, nor any prison-issued clothing to a court proceeding.

Note: This policy is mandated by N.C. General Statute 15-176. Failure to comply with the statute is a misdemeanor, punishable by fine, by imprisonment for a term not exceeding two years, or both.

History Note: Statutory Authority G.S. 148-11; 15-176;
Eff. February 1, 1976;
Amended Eff. January 1, 1985; June 1, 1984;
June 16, 1978.

.0203 ACCESS TO LEGAL MATERIALS AND LAW LIBRARIES

(a) Schedules for Law Library Use and Transfers.

(1) In order to coordinate the movement of the several thousand potential library users, and in order to insure that every inmate has a fair share of time in a law library, an inmate who wants to use a law library must make an appointment by using the DC-223.

(2) Since every unit in the State's prison system does not have a law library, it will be necessary to transfer inmates housed at a unit without such a facility to a unit with a law library. As long as bed space is available, transfers will be provided to all eligible inmates with due regard to present custody status or housing assignment.

(3) Area Administrators and Institution Heads shall coordinate the transfers and appointments. The coordination responsibility may be delegated to the Superintendent of the unit housing the law library.

(b) Inmate Requests.

(1) Inmates may request a photocopy of specified legal materials or request the use of the law library. The request for photocopy of legal materials or for use of the law library shall be made on the DC-223 and forwarded to the inmate's Superintendent. An inmate with permission to use the law library shall not be provided with photocopies of legal materials.

(2) If a determination has not been made that the inmate poses a threat to the library or its staff and if the inmate requests photocopies of a large volume of legal materials, the Superintendent may process such request as a request for law library use. The Superintendent will notify the inmate of this decision on the DC-223. If it has been

COPY MISSING

IC FISCAL ADMINISTRATION

.1100

.1101 PURPOSE

The purpose of this directive is to establish a uniform policy for furnishing certain items and services to inmates. Payments

for these items will be made from either canteen or operating funds and will be classified as either welfare or operating expenditures for reimbursement purposes. The charge code for operating expenses will be Code 2115—Indigent Inmate Expenses.

History Note: Statutory Authority G.S. 148-5; 148-11;
Eff. July 1, 1976;
Amended Eff. January 1, 1985.

.1102 PROCEDURE FOR PROVISION OF ITEMS TO INDIGENT INMATES

(a) Purchase of Personal Hygiene Items. Every unit will have available to accommodate the needs of indigent inmates a sufficient supply of essential personal hygiene items to include toothbrushes, toothpaste, shampoo, shaving soap, razor blades, comb, deodorant, and any other items approved by the Director of Prisons or his designee as being deemed necessary for personal hygiene. These items will be purchased through the operating fund (Code 2115) by either a Local Purchase Authorization (DC-100) or a Purchase Order Request (DC-106).

(1) Eligibility. For an inmate to be eligible to receive free personal hygiene items, the following requirements are established:

(A) The inmate must not have any funds available in his trust fund account on the date of the request, and

(B) The inmate must not have received during the preceding thirty (30) days a total of ten dollars (\$10.00) from the trust fund account, incentive wages, work release personal expense funds or any source, and

(C) Personal hygiene items from other sources, such as private donors, must have been exhausted.

(2) Issuing. After meeting the requirements set forth in .1102(a)(1) the inmate will be eligible to receive personal hygiene items as deemed necessary by the officer in charge. Upon receiving the inmate's request, it will be the responsibil-

ity of the officer in charge to assure that the inmate's personal hygiene needs are met. Supporting documents for items issued will be maintained by each unit reflecting the name of issuing officer, items issued, date, and signature of receiving inmate.

(b) Purchase of Tobacco Products. Every unit with a Canteen Imprest Fund will order through the Central Welfare Fund as a division-wide standard expenditure enough packages of tobacco products, smoking and chewing, from the Central Warehouse to insure that an ample supply will be available to meet the needs of the indigent inmate population.

(1) Eligibility. For an inmate to be eligible for free tobacco products, he will meet the requirements established and outlined in .1102(a)(1)(A) and (B).

(2) Issuing. After meeting the established requirements, the inmates will be eligible to receive free tobacco products. Upon receiving the inmate's request, it will be the responsibility of the officer in charge to furnish tobacco products as needed.

(a) Purchase of Postage Stamps. Every unit will have available to accommodate the needs of indigent inmates a sufficient supply of postage stamps. These stamps shall be purchased through the operating fund by a DC-104 Requisition for a check to be made out to the U.S. Postal Service. The Indigent Inmate Expense Charge Code of 2115 will be used.

(1) Eligibility. In order for an inmate to be eligible for free postage stamps for personal mail, he will meet the requirements set forth in .1102(a)(1)(A) and (B).

(2) Issuing. After meeting the requirements established, the inmate will be eligible to receive free postage. The inmate will present his outgoing mail to an authorized employee for stamping and mailing. Supporting documentation for stamps issued will be maintained by each unit reflecting name of officer, number of stamps used, date and signature of receiving inmate.

(3) Limitations on Personal Mail. Free postage for inmate's personal mail will be limited to 15 first-class one

ounce letters per month.

(4) Mail to Attorneys, Courts, State and Federal Officials. Free postage for legal mail will be provided when the inmate has no funds in his trust fund account on the date of the request. No other eligibility requirements apply to postage for legal mail. The 15 letter limitation on personal mail does not apply to legal mail.

(5) General Information. For information concerning inmate use of mails, refer to 5 NCAC 2D .0300 Public Communications.

(d) Indigent Inmate Clothing. Every unit will make the necessary arrangements to ship home the personal clothing of those indigent inmates whose families have been unable to visit the inmate and pick up the clothing. The unit will write a check from the local Canteen Fund to the U.S. Postal Service or United Parcel Service as needed. At the end of the month, the unit will submit the appropriate form with receipts attached to the Central Accounting Office requesting reimbursement from the Operating Fund. Charge Code 2115 to the Unit Canteen Fund.

(1) Eligibility. The eligibility requirement is set forth in .1102 (a)(1) (a) and (b).

History Note: Statutory Authority G.S. 148-5; 148-11;
Eff. July 1, 1976;
Amended Eff. January 1, 1985.

.1103 PROVISION OF ITEMS/SERVICES FOR ALL INMATES.

(a) Photocopy Service. It will be the responsibility of the unit head to approve inmate's request for the required number of copies of legal documents needed in court proceedings. Photocopy expenses will be covered by the Operating Fund.

(1) All inmates will be provided free of charge with the number of copies of the petition, the complaint, and exhibits required by the Court, plus one copy of the complaint, petition, and exhibits for retention by the inmate. No

additional photocopying will be furnished.

(b) Inmate Stationary and Envelopes. Every unit will have available to meet the needs of all inmates a sufficient supply of stationary and envelopes. The stationary and envelopes shall be requested by a DC-104 Requisition from the Central Warehouse. Charge Code 2115 shall be used.

History Note: Statutory Authority G.S. 148-5; 148-11;
Eff. January 1, 1985.

.1104 INVENTORY CONTROL

The necessary internal inventory control shall be established at each unit and institution for hygiene articles, tobacco, stamps, and inmate stationary. Supporting documents for items issued will reflect name of issuing officer, item issued, quantity used, date, and signature of receiving inmate.

History Note: Statutory Authority G.S. 148-5; 148-11;
Eff. January 1, 1985.

5 NCAC 2G .0203 has been amended to read as follows:

DEPARTMENT OF CORRECTION

— EXHIBIT B —

TRANSMITTAL SLIP

DATE

1/14/85

TO:

Jack Safian

FROM:

B Shaw

ACTION

- | | |
|---|--|
| <input type="checkbox"/> NOTE AND FILE | <input type="checkbox"/> PER OUR CONVERSATION |
| <input type="checkbox"/> NOTE AND RETURN TO ME | <input checked="" type="checkbox"/> PER YOUR REQUEST |
| <input type="checkbox"/> RETURN WITH MORE DETAILS | <input type="checkbox"/> FOR YOUR APPROVAL |
| <input type="checkbox"/> NOTE AND SEE ME ABOUT THIS | <input type="checkbox"/> FOR YOUR INFORMATION |
| <input type="checkbox"/> PLEASE ANSWER | <input type="checkbox"/> FOR YOUR COMMENTS |
| <input type="checkbox"/> PREPARE REPLY FOR MY SIGNATURE | <input type="checkbox"/> SIGNATURE |
| <input type="checkbox"/> TAKE APPROPRIATE ACTION | <input type="checkbox"/> INVESTIGATE AND REPORT |
| <input type="checkbox"/> FURNISH FACTS IN THIS MATTER | <input type="checkbox"/> FOR DISTRIBUTION - |

COMMENTS:

Q. filed the
attached today.

pls call me if
you want affidavits
in the Law Librarian
case.

**.0203 ACCESS TO LEGAL MATERIALS AND LAW
LIBRARIES**

(d) Inmates Assigned to Disciplinary Segregation

(1) Inmates assigned to disciplinary segregation shall be permitted to use the law library. Inmates transferred while on disciplinary segregation shall not receive segregation credit for days spent out of their cells for library purposes.

History Note: Statutory Authority G.S. 148-11;
Effective June 16, 1978;
Amended Eff. March 1, 1985.

APPENDIX P

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA

ROBERT (BOBBY) SMITH, et al.,)		
Plaintiffs)		
VS.)	NO. 3052 CIVIL	
	) RALEIGH DIVISION
)	
VERNON LEE BOUNDS, et al.,)		
Defendants)		

DONALD W. MORGAN, et al.,)		
Plaintiffs)		
VS.)	NO. 4277 CIVIL	
	) RALEIGH DIVISION
)	
R. L. TURNER,)		
Defendant)		

JOHN HARRINGTON, et al.,)	
Plaintiffs)	
VS.)	NO. 790
	) WASHINGTON
	) DIVISION
JAMES HOLSHOUSER, et al.,)	
Defendants)	

AFFIDAVIT

I, MICHAEL LAMM, being first duly sworn, do hereby depose and say:

That I am employed by the North Carolina Department of Correction, Division of Prisons, as a Correctional Lieutenant at Central Prison in Raleigh, North Carolina.

I am presently serving as Supervisor of the Central Prison

Law Libraries and have served in this capacity for approximately five years. As a supervisor, my overall responsibilities include supervising a correctional officer assigned to monitor the daily operations of the law libraries and insuring that the policies and guidelines set forth in the Division of Prisons Policies and Procedures Manual regarding inmates' access to the courts are followed. The routine operation of the law libraries at Central Prison is in compliance with the policy codified as 5 NCAC 2G.0201 through .0205.

My daily responsibilities involving the Central Prison law libraries are to review and approve all departmental forms DC-223, which are forms submitted by inmates requesting a law library appointment. In addition, I review and approve all requests submitted by inmates for photocopying of legal materials. It is my responsibility and customary practice to ensure that all inmates, upon written request, receive scheduled appointments in the law library. Once a scheduled appointment is set up for an inmate, the inmate is notified in writing by using a duplicate of form DC-223. The date and time of the appointment are written at the bottom of the duplicate DC-223. In addition, a correctional officer completes a schedule of inmate appointments for the law library. This schedule is posted on bulletin boards in all key areas of Central Prison. Therefore, when an inmate does not attend his scheduled law library appointment, it is only because he decided not to keep his scheduled appointment. At Central Prison, it is standard for inmates to be excused from work in order to attend law library appointments. On rare occasions, I have received a memorandum from a physician advising that an inmate not be allowed to use the law library because of a serious health problem. However, an inmate would not be denied access to the law library because of a health problem unless such written advice was received from a physician.

My objective in reviewing and approving the inmate requests for law library use is to ensure that security and control will be maintained. I make sure that when appointments are scheduled, the inmates are properly grouped in accordance with their custody status. For example, I do not allow an inmate confined under a safekeeping order to share a

scheduled law library appointment with an inmate confined under the sentence of death. (Eleven distinctive categories of inmates are currently housed at Central Prison). In addition, my review of the DC-223 forms provides a systematic means to control the number of inmates in the law library during any one period of time and allows inmates scheduled for use the opportunity to enjoy the full benefits of the law library.

Attached to this affidavit is a copy of the Law Library Yearly Statistics Report-B for the main law library and the maximum security law library at Central Prison for the year 1984, marked Exhibit C, and included as a part hereof. The main law library statistics for January, 1984 show that the main law library received 146 requests to use the library, no inmates from other prison facilities were transferred to Central Prison to use the law library, 146 inmates were given scheduled appointments, three of the requests were for category I use, 143 were for category II use, 24 inmates did not keep their appointments. The number of inmates who did not show up for a scheduled appointment amounted to sixteen percent of the total requests. Also in January, 1984, 65 requests were for photocopying and 157 requests were for legal forms. I am aware that the court has stated that "only 76% of inmates requesting library use at Central Prison had actually been scheduled for use". From a review of the law library records during the time in which I have been supervisor, I am not able to discover any such percentage of denials. As is shown on the 1984 law library yearly statistics report, the total requests are set out at the bottom of the report. The report shows that all inmates requesting use of the law library were scheduled for use. However, as I have explained in this affidavit sometimes inmates fail to show up for the scheduled appointment. This number of inmates is reflected in the column labelled "no show". To my knowledge inmates are not denied access to the law library at Central Prison. According to Division of Prisons policy codified as 5 NCAC 2G .0203(d) and (e) inmates confined to disciplinary segregation and inmates presently on or being reviewed for administrative segregation or maximum custody may be denied permission for law library research if a determination is made that the inmate poses a threat of harm

to the staff or the law library facility. The policy which provides for notice and hearing would be followed, if such an inmate requested a law library appointment.

The law library at Central Prison provides inmates with free photocopies of any document required by the courts. This includes any paperwriting which the inmate needs to pursue a legal case. Examples of documents which are photocopied at Central Prison are complaints, petitions, exhibits providing evidence in an inmate's case, legal letters, affidavits, briefs, legal memoranda, and divorce papers. Our procedure for free photocopying complies with Division of Prisons policy and procedure codified as 5 NCAC 2G .0202(a). The policy makes it clear that the provision of free photocopies is not dependent upon a showing of indigency by the inmate. Attached to this affidavit is an office memorandum written to me and maintained by me dated December 27, 1984, marked Exhibit D, and included as a part hereof.

This memorandum shows that 32,793 photocopies were provided free of charge to inmates at Central Prison library in 1984. An office memorandum addressed to me and maintained by me, dated December 27, 1984 is attached to this affidavit, marked Exhibit E, and included as a part hereof. This shows use of the law library at Central Prison for the year 1984, including notary requests and typing services. Also attached to this affidavit is an office memorandum sent to me and maintained by me dated April 25, 1985, marked Exhibit F, and included as a part hereof. Exhibit F shows that 429 inmates came into the law library in April 1985. A copy of an office memorandum addressed to me and maintained by me dated April 25, 1985, showing that 2,492 photocopies were provided to inmates free of charge in April, 1985, is attached to this affidavit, marked Exhibit G, and included as a part hereof.

The inmate clerks selected to work in the law libraries at Central Prison are chosen, because they have a desire to learn the necessary legal skills and apply these skills in helping other inmates with their legal needs. Prior to selection, the inmate's educational background is reviewed to determine if the inmate is capable of learning the legal skills needed to be a

clerk in the law library. The clerks have to project a knowledge of legal skills to the inmate population so that the population will accept their assistance. From 1981 to the present, I have helped coordinate approximately six legal workshops held at Central Prison. The five most recent legal workshops were conducted by instructors provided by Durham Technical Institute. At the workshops, inmate law clerks from prison facilities throughout the state participated. The forty hour workshop provided inmate clerks instruction in the basic legal research skills. During the workshops, the instructors also emphasized the various legal forms that are applicable to the needs of the inmate and the purpose of each form. Once the clerk is introduced to the basic research tools, through everyday exposure, the clerk will become more knowledgeable with specific areas of the law that concern the incarcerated individual. In my opinion, the clerks that are assigned to the Central Prison law libraries are skilled in the specific legal needs of the inmate population.

Four inmate clerks are assigned to the Central Prison law libraries. Each clerk is required to work forty hours per week. These clerks are supervised in order to maintain security and control. However, the institution staff does not restrict, censor, or monitor the legal work accomplished by the clerks assisting inmates using the law library or inmates working on their own legal work. The clerks are instructed to assist inmates as needed in the law library. If an inmate is not able to read or write, the clerks upon the verbal instructions of the inmate will draft any required legal documents and explain the writings to the inmate.

Currently, law library statistics show that when an inmate requests to use the main law library, his appointment will be scheduled within 1.9 days of request, and when an inmate requests to use the maximum law library, he will be scheduled within 5.9 days of request.

A copy of the schedule of inmate law library appointments for May 9, 1985 is attached to this affidavit, marked Exhibit H, and included as a part hereof. Exhibit H is provided as an example of how the law libraries are used five days a week.

The law libraries are open forty hours a week in compliance with Division of Prisons policy. Exhibit H does not indicate "free time" periods which are seven o'clock a.m. to eight o'clock a.m., twelve o'clock p.m. to twelve thirty p.m., and three thirty p.m. to four p.m., five days a week. This time is set aside for inmate use of the library for "spur of the moment" work such as obtaining a form, getting a form notarized, or looking up a case. This time is used on a "walk-in" basis, when the inmate comes into the law library, completes a DC-223 and the law librarian approves it immediately.

The goal of the administrators at Central Prison is to meet the legal needs of the inmate population and continue to improve the legal services offered in the law libraries.

This the 10 day of June, 1985.

/S/

Michael Lamm
Affiant

Sworn to and subscribed before me this the 10 day of June, 1985.

/S/

Lillie M. Grissom
Notary Public
My Commission Expires:
9-25-88

LAW LIBRARY YEARLY STATISTICS REPORT-B

NAME OF UNIT CENTRAL PRISON

JANUARY, 1984

NAME OF RESPONDENT OFFICER R.C. WEST

TO

FULL LIBRARY XX

CORE LIBRARY _____

DECEMBER, 1984

MAIN LAW LIBRARY

Monthly	Monthly Number (inmates)			Category / No Show			Category II	
	This Unit	Transfers Unit	Total All	I	II	Number	%	
JANUARY	146	0	146	3	143	24	16	65 157
FEBRUARY	199	0	199	3	196	52	26	76 94
MARCH	179	0	179	0	179	58	32	94 111
APRIL	148	0	148	3	145	39	26	98 120
MAY	180	0	180	2	178	44	24	46 124
JUNE	162	17	179	1	178	58	32	38 125
JULY	190	4	194	0	194	56	29	47 117
AUGUST	198	0	198	0	198	46	23	57 92
SEPTEMBER	117	0	117	0	117	28	24	37 72
OCTOBER	192	0	192	1	191	49	26	54 180
NOVEMBER	159	0	159	0	159	52	33	33 142
DECEMBER	154	0	154	1	153	44	29	35 149
TOTAL	2,024	21	2,045	14	2,031	550	27%	680 1,483

NAME OF UNIT CENTRAL PRISON

NAME OF RESPONDENT OFFICER R.C. WEST

FULL LIBRARY XX

CORE LIBRARY _____

JANUARY, 1984

TO

DECEMBER, 1984

A-96

MAXIMUM SECURITY LAW LIBRARY

Monthly	Monthly Number (inmates)			Category/No Show			Category II	
	This Unit	Transfers Unit	Total All	I	II	Number	%	
JANUARY	51	0	51	0	51	17	33	38 85
FEBRUARY	62	0	62	0	62	9	15	24 67
MARCH	67	0	67	0	67	15	22	27 92
APRIL	70	0	70	1	69	17	24	32 73
MAY	54	0	54	3	51	12	23	21 44
JUNE	51	0	51	1	50	7	14	24 51
JULY	71	0	71	18	53	19	27	47 51
AUGUST	56	0	56	1	55	11	20	25 43
SEPTEMBER	44	0	44	0	44	14	32	17 34
OCTOBER	66	0	66	2	64	13	20	20 58
NOVEMBER	66	0	66	0	66	18	27	23 59
DECEMBER	61	0	61	0	61	17	28	18 46
TOTAL	719	0	719	26	693	169	24%	316 703

EXHIBIT D

**State of North Carolina
Department of Correction**

OFFICE MEMORANDUM

TO : Lt. Lamm **DATE:** December 27, 1984

FROM : Officer R.C. West
C.P. Law Library

RE : Breakdown of Photocopies made in 1984:

According to our Photocopy log, the following is the breakdown of the number of Photocopies made from December 27, 1983 thru December 21, 1984.

COPIES MADE FOR:

Inmates	32,793
Law Library	12,569
Legal Affairs	9,184
Chaplaincy Services	3,661
School	296
Visitation	160
Recreational Department	42
Master Control	8
Canteen	40
Miscellaneous	<u>148</u>
	58,901

NOTE: All Photocopies were made **FREE** of Charge to all Inmates and Staff.

EXHIBIT E

**State of North Carolina
Department of Correction**

OFFICE MEMORANDUM

TO : Lt. Lamm **DATE:** December 27, 1984

FROM : Officer R.C. West
C.P. Law Library

RE : Breakdown of Library Usage for the Year of 1984:
The Number of Scheduled Appointments in both the Full Law Libraries for the Year of 1984 are as follows:

MAXIMUM SECURITY LAW LIBRARY

From A	173
From B	66
From C	93
From D	95
From E	90
From F	98
	<u>615</u>

MAIN LAW LIBRARY

From A-F,K,L,O, etc.	1,997
From Mental Health West	82
From Mental Health East	63
From Hospital	48
Freetime	<u>707</u>
	2,897

TOTAL OTHER INMATE REQUESTS GRANTED DURING 1984:

Request for Forms	2,279
Request for Notary	2,081
Request for Information	1,264
Typographical Services	<u>580</u>
	6,204

EXHIBIT F

State of North Carolina
Department of Correction

OFFICE MEMORANDUM

TO : Lt. Lamm **DATE:** April 25, 1985

FROM : Officer J.R. Moody
C.P. Law Library

RE : Breakdown of Library Usage for the Month of April, 1985:
The Number of Scheduled appointments in both the full Law Libraries for the Month of April are as follows:

MAXIMUM SECURITY LAW LIBRARY

From A	9
From B	8
From C	11
From D	10
From E	17
From F	<u>13</u>
	68

MAIN LAW LIBRARY

From A-F,K,L,O	203
From Mental Health East	0
From Mental Health West	10
From Hospital	<u>7</u>
	220

TOTAL OTHER INMATE REQUESTS GRANTED DURING APRIL, 1985:

Request for Forms	224
Request for Notary	98
Request for Information	45
Request for Freetime	53
Typographical Services	<u>33</u>
	453

TOTAL INMATE SERVICES RENDERED:

A total of 429 Inmates came into the Law Library in April, 1985.

EXHIBIT G

State of North Carolina
Department of Correction

OFFICE MEMORANDUM

TO : Lt. Lamm **DATE:** April 25, 1985

FROM : Officer J.R. Moody
C.P. Law Library

RE : Photocopies Made for the Month of April, 1985:

According to our photocopy Log, the following is the breakdown of the number of Photocopies made from March 26, 1985 thru April 25, 1985.

COPIES MADE FOR

Inmates	2,492
Law Library	390
Legal Affairs	46
Chaplaincy	1,308
Recreation Department	10
Laundry	<u>24</u>
	4,270

NOTE: All Photocopies are provided to Inmates and Staff *FREE* of Charge.

EXHIBIT H

**State of North Carolina
Department of Correction**

OFFICE MEMORANDUM

TO : Whom It May Concern **DATE:** May 9, 1985
FROM : Officer J.R. Moody
RE : Inmates Scheduled To Use the Law Library:

TIME		CELL
SCHEDULED	MAIN LAW LIBRARY	LOCATION

8:00-9:30	John Wood James Price	O-Dorm BL-102
9:30-11:00	Robert Alston John Rawlings Bienvenido Diaz	K-Dorm L-Dorm K-Dorm
12:30-2:00	James Jackson James Williams Stephen Harris Walter Goodson	DU-102 O-Dorm O-Dorm O-Dorm
2:00-3:30	Harold Williams Roger Blackstock Stephen Moore Lonnie McLean	DU-108 O-Dorm O-Dorm O-Dorm
TIME SCHEDULED	MAXIMUM SECURITY LIBRARY	CELL LOCATION
8:00-9:30	David Allman	AL-204
9:30-11:00	Pinkney Mitchell	CU-205
12:30-2:00	John Gardner	FU-211
2:00-3:30	Clifford Emery	FU-201

DISTRIBUTION: O-Dorm

Capt. 1st Shift
Lt. Max. Sec. Bldg.
Sgt. Hospital Door
Lt. East Control
Sgt. K-Dorm
Sgt. L-Dorm
Sgt. Industrial Bldg.
Lt. Lamm Legal Affairs
1st Floor Lobby
Sgt. Mental Health East
Sgt. Mental Health West
Sgt. 2nd Floor (ABC)
Sgt. 2nd Floor (DEF)

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

Plaintiffs)

VS.

NO. 3052 CIVIL
RALEIGH DIVISION

VERNON LEE BOUNDS, et al.,)

Defendants)

DONALD W. MORGAN, et al.,)

Plaintiffs)

VS.

NO. 4277 CIVIL
RALEIGH DIVISION

R. L. TURNER.

Defendant)

JOHN HARRINGTON, et al.,)

Plaintiffs)

VS.

) NO. 790 CIVIL
) WASHINGTON
) DIVISION

JAMES HOLSHOUSER, et al.,)

Defendants)

AFFIDAVIT

I, MAURICE R. BAKER, being first sworn, do hereby depose and say:

That I am employed by the North Carolina Department of Correction, Division of Prisons as an Educational Specialist at Polk Youth Center in Raleigh, North Carolina. I began

working at Polk Youth Center on June 1, 1965, as a social studies teacher. Two weeks later, I became the library supervisor and have continued in this capacity since that time except for two brief periods when I was performing other duties. On June 16, 1978, a core law library was opened at Polk Youth Center. Also on that date, I was assigned as full time supervisor of the core law library. The library staff consists of myself and two inmate clerks. The inmate clerks and I have been trained by participating in the forty hour law library workshop sponsored by the Department of Correction. I supervise the inmate clerks in the law library and the inmates using the law library, very carefully. Conferences are held regularly at which time the staff discusses procedures, policies, and any problems that arise.

When an inmate desires to use the law library at Polk Youth Center, he fills out a law library request form, Department of Correction form DC-223. Most law library request forms are filled out by inmates in the library; and these inmates are given assistance immediately. Requests received via the in-house mail are usually handled within a twenty-four hour period. Inmates in need of additional legal materials can be transferred to Harnett Youth Center where they may use the full library.

Since the inception of the core library at Polk Youth Center, all inmates assigned to this Unit have been given free access including those inmates housed in disciplinary segregation. Currently, if an inmate who has requested to use the law library is in the regular population, he is paged when he is to come to the law library. If an inmate in the regular population is on the yard, I send a clerk to tell the inmate that he should come to the law library. When inmates are housed in segregation, an adjustment dorm, the sick room, or in the dorm for protective custody, I go to that specific housing area and personally escort the inmate wishing to use the law library to the law library. I am aware that the Court stated that "sixty-four percent of those (inmates) requesting use at Polk Youth Center have actually been scheduled for use." I am unable to figure out where or how the Court got this information. Prior to 1979, the only reason that an inmate did not use the law

library at Polk Youth Center as requested was due to the inmate failing to show up for a scheduled appointment. In 1979, I initiated a practice of having each inmate who requests use of our law library come to the law library at a scheduled time. If the inmate has changed his mind and no longer wants to use the library, I conduct some type of interview with him to make sure that he is not denied access to the law library. This practice has been followed at Polk Youth Center law library since 1979. No inmate is denied access to law library materials.

Inmates are allowed to bring another inmate to assist them if they wish. However, this practice is rarely utilized. Upon request, a staff member in the law library will assist the inmate in understanding the library materials.

The core law library at Polk Youth Center has always furnished pencils, paper, typewriters, carbon paper, and legal forms. If the law library user can type, he is allowed to type his own forms. If the law library user is unable to type, one of the staff members assists him with typing. Carbon paper is always used to make adequate copies of forms, petitions, exhibits, or whatever legal documents the inmate needs to pursue his case. As the law library supervisor, I have not had a request from inmates for photocopies. This lack of requests is due to the fact that all of the inmate legal work is typed and carbon paper is supplied so that all copies required by the Court are made, along with one copy for the inmate's retention. I do have access to a photocopy machine. If an inmate were to request a photocopy, I would give him a photocopy or photocopies as needed, including affidavits or memoranda.

The goal of the library has always been to provide the best possible service to the inmate population at Polk Youth Center; and since its inception, this has been the policy of the core library as well.

/S/ Maurice R. Baker

This the 10 day of June, 1985. Affiant

Sworn to and subscribed before me this
the 10 day of June, 1985 /S/ Lillie M. Grissom

Notary Public

My Commission Expires:

9-25-88

APPENDIX R

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

ROBERT (BOBBY) SMITH, et al.,)

Plaintiffs)

VS.

NO. 3052 CIVIL
RALEIGH DIVISION

VERNON LEE BOUNDS, et al.,)

Defendants)

DONALD W. MORGAN, et al.,)

Plaintiffs)

VS.

NO. 4277 CIVIL
RALEIGH DIVISION

R. L. TURNER,)

Defendant)

JOHN HARRINGTON, et al.,)

Plaintiffs)

VS.

NO. 790 CIVIL
WASHINGTON
DIVISION

JAMES HOLSHOUSER, et al.,)

Defendants)

I, AARON J. JOHNSON, being first duly sworn, do hereby depose and say:

That I am employed as Secretary of the North Carolina Department of Correction. My office is located in Raleigh, North Carolina. In my role as Secretary, I am the Chief Executive Officer of the Department of Correction. One of the powers granted to me by the North Carolina General Statutes

is to propose rules and regulations for the government of the State prison system. These rules become effective when approved by the Department of Correction.

I assumed my role as Secretary of the Department of Correction on January 5, 1985. Prior to this date, I was the pastor of the Mt. Sinai Baptist Church in Fayetteville, North Carolina. I was not employed by the Department of Correction prior to January 5, 1985.

The Division of Prisons is one of the divisions within the State prison system which is under my supervision. A rule setting forth the current policy for the Division of Prisons concerning the provision of photocopies to inmates is currently codified as 5 NCAC 2G .0202(a) and states the following:

"Access to Supplies. Inmates will be provided with paper and writing implements to petition the courts for review of their cases or to file complaints concerning any matter. All inmates will be provided free of charge the number of copies of the petition, the complaint, and exhibits required by the Court, plus one copy of the complaint, petition, and exhibits for retention by the inmate. No additional photocopying will be furnished."

This policy was most recently amended effective January 1, 1985. Although, I was not in office at the time that this rule was originally written and later amended, I am currently as Secretary of the Department of Correction, the final authority on how policy is interpreted and implemented.

It is my understanding that the intent of this policy as it was written was to provide all inmates with free photocopies of any legal document to be sent to the court. This includes, but is not limited to, legal paperwritings which are part of criminal cases, civil rights cases, petitions for habeas corpus, divorce proceedings, and matters pertaining to parental rights. Examples of paperwritings include but are not limited to, affidavits, petitions, complaints, pleadings, notice of appeal, motion for appropriate relief, legal memoranda, and attachments to complaints which provide evidence in support of the complaints. Although each possible paperwriting which an inmate

might file with the court in his case is not delineated in the policy, the words "petition, the complaint, and exhibits required by the court," in the policy were and are intended to include whatever documents are required to be sent to the courts in an inmate's case.

The policy also provides that all inmates will receive a free copy of each such document for retention. The policy is the same for all inmates. The provision of free photocopies to the court and the inmate is not dependent on any showing of indigency by the inmate.

Due to the fact that this court has stated that the departmental policy on the provision of photocopies "does not permit indigent inmates free copies of other required filings, such as affidavits or memoranda," one of my staff personally contacted each officer in charge of running a full or core law library in our prison system. Each officer in charge of running a law library was contacted by telephone during the week of May 27, 1985. This survey of officers working in the law libraries showed that each officer understood the policy codified as 5 NCAC 2G .0202(a) to include free photocopying for inmates of any document needed to be sent to the courts by the inmate, including affidavits and legal memoranda.

I have attached to this affidavit a log maintained by the officer working in the law library at Blanch Prison Unit. The photocopy log is marked Exhibit A and included as a part hereof. The log shows the name of the inmate who received free photocopies, the type of document copied, the number of pages of the document, and the total photocopies made. This particular log runs from January 1983 through August 1984. The log shows that in January, 1984, four copies of a ten page memorandum were copied free of charge for Inmate Gene Strader. In June, 1984, six copies of a three page affidavit were copied free of charge for Inmate James McKennon. In December, 1983 two copies of a six page affidavit were copied free of charge for Roger Emerial.

I have also attached to this affidavit the photocopy log maintained by the officer running the law library at Southern Correctional Center for the period from January 1984 to April

1984. A copy of this log is marked Exhibit B, and included as a part hereof. The log shows that in March, 1984, legal letters, affidavits, and exhibits were photocopied free of charge for various inmates at the law library.

The officers running the law libraries for the Department of Correction have been instructed to follow the policies and procedures of the Department of Correction. Specifically, these officers are told to follow the rules and regulations governing the law library operation codified as 5 NCAC 2G .0201 through .0205. Each officer is kept up to date on policy changes whenever I issue new or amended policies. Policy amendments and adoptions are mailed from my office to all prison units and institutions. The prison administrators are responsible for implementing policy as promulgated.

It is my determination that the photocopy policy is currently implemented based on the meaning which I have explained in this affidavit.

This the 10th day of June, 1985.

/S/Aaron J. Johnson
Affiant

Sworn to and subscribed before me this
the 10 day of June, 1985.

/S/Lillie M. Grissom
Notary Public
My Commission Expires:
9-25-88

EXHIBIT A

LAW LIBRARY.
(UNIT) BLANCH #3940—January, 1983

DATE	INMATE'S NAME	ITEM COPIED	NO. OF P.	TOTAL PHOTOS MADE	CHARGE		COPY
					FREE	AMOUNT	
01-83	Lee Williams	Appeal	2	4	X		
01-83	Lee Williams	Appeal	7	7	X		
01-83	Samuel Jumper	Legal Doc.	2	2	X		
01-83	Johnny Edwards	1983 Civil Suit	6	34	X		
01-83	Mark Apperson	Trial Records	2	6	X		
01-83	Herbert Eleason	Petition	46	180	X		
01-83	Herbert Eleason	Petition	6	24	X		
01-83	John Lockamy	Legal Doc.	1	4	X		
01-83	John Lockamy	Post Conviction	4	20	X		
01-83	Samuel Jumper	Comittment	2	2	X		
01-83	Fred Crawford	Comittment	3	9	X		
01-83	Fred Crawford	Motion App. Relief	3	12	X		
01-83	Lee Robert Williams	Habeas Corpus	10	40	X		
01-83	Lee Robert Williams	Legal Doc.	1	15	X		
01-83	John Montgomery	Case Copied	15	15	X		
01-83	Lee Robert Williams	Motion	18	108	X		
01-83	Jesse Wiles	Legal Letter	5	19	X		
01-83	John Lockamy	Motion	2	6	X		
01-83	Johnny Edwards	Appeal	10	20	X		
01-83	Johnny Edwards	Appeal	4	12	X		
01-83	Tyronne Allen	Legal Letter	2	24	X		
01-83	Jerry Mitchell	Appeal	2	4	X		
01-83	Earl Hartt	Divorce Complaint	6	18	X		
01-83	Mark Apperson	Legal Letter	1	1	X		
01-83	Paul Odell	Motion App. Relief	5	15	X		
01-83	Ronald Smith	Legal Letters	3	6	X		

(NOTE: ALL COPIES MADE FREE OF CHARGE)

LAW LIBRARY
(UNIT) BLANCH #3940—February, 1983

A-111

DATE	INMATE'S NAME	ITEM COPIED	NO. OF P.	TOTAL PHOTOS MADE	CHARGE		COPY AMOUNT
					FREE		
02-83	Lee Robert Williams	Motion	27	130	X		
02-83	John Montgomery	Case Copied	28	28	X		
02-83	Theodore Stroud	Petition	19	19	X		
02-83	Reginald Martin	Legal Letter	4	12	X		
02-83	Ronald Haith	Divorce Complaint	6	30	X		
02-83	Larry Hall	Motion App. Relief	3	12	X		
02-83	Ronald Smith	Legal Letter	1	3	X		
02-83	Ronald Martin	Legal Affidavit	1	6	X		
02-83	Jerry Mitchell	Motion App. Relief	3	12	X		
02-83	Ronald Smith	Legal Letters	2	4	X		
02-83	Lee Robert Williams	Appeal	9	9	X		
02-83	Lee Robert Williams	Case Copied	18	18	X		
02-83	Reginald Martin	Affidavit	2	2	X		
02-83	Robert Charles	1983 Civil Suit	7	28	X		
02-83	Roger Wilberson	Petition	26	52	X		
02-83	Jerry Mitchell	Legal Doc.	3	9	X		
02-83	Theodore Stroud	1983 Civil Suit	12	60	X		
02-83	Theodore Stroud	1983 Civil Suit	2	8	X		
02-83	Johnny Edwards	Legal Doc.	10	20	X		
02-83	William Weads	Legal Doc.	1	1	X		
02-83	Fred Crawford	Legal Doc.	1	1	X		
02-83	Ronald H. Smith	Legal Letters	10	20	X		
02-83	Clearence Moore	Respond to Complaint	2	8	X		
02-83	Allen Curree	1983 Civil Suit	7	35	X		
02-83	Lee Robert Williams	1983 Civil Suit	7	50	X		
02-83	Roger Wilkerson	1983 Civil Suit	27	54	X		
02-83	Johnny Edwards	1983 Civil Suit	9	18	X		

(NOTE: ALL COPIES MADE FREE OF CHARGE)

LAW LIBRARY
(UNIT) BLANCH #3940—March, 1983

A-112

DATE	INMATE'S NAME	ITEM COPIED	NO. OF P.	TOTAL PHOTOS MADE	CHARGE	
					FREE	COPY AMOUNT
03-01-83	Jeffery I. Ward	1983 Civil Suit	37	260	X	
03-01-83	Theodore Stroud	Appeal	17	17	X	
03-01-83	Ronald H. Smith	Legal Letters	9	47	X	
03-03-83	Gene Strader	Legal Doc.	46	357	X	
03-04-83	Dean Sawyer	Legal Doc.	1	11	X	
03-04-83	Ronald H. Smith	Legal Letter	1	2	X	
03-07-83	Billy Joe Bush	Legal Doc.	15	60	X	
03-07-83	Ronald Ford	Motion App. Relief	27	180	X	
03-08-83	Jesse Patton	Motion App. Relief	5	15	X	
03-08-83	Lee Robert Williams	Appeal	20	80	X	
03-09-83	Paul Odell	Court of Appeal	11	44	X	
03-11-83	Edward Throne	Legal Doc.	8	16	X	
03-14-83	Reginald Turner	Appeal	17	17	X	
03-15-83	Lee Robert Williams	Appeal	8	32	X	
03-16-83	Tyrone Allen	Appeal	80	320	X	
03-18-83	Alvin McSwain	Appeal	6	26	X	
03-18-83	Billy Brown	Appeal	3	12	X	
03-23-83	Thomas Huskie	Appeal	5	15	X	
03-23-83	John Chukes	Appeal	7	14	X	
03-24-83	Albert Reid Greene	Motion App. Relief	4	12	X	
03-24-83	Albert Reid Greene	Legal Doc.	4	4	X	
03-25-83	Reggie Somerset	1983 Civil Suit	9	40	X	
03-28-83	Theodore Stroud	Legal Claim	13	65	X	
03-30-83	Jessie Johnston	1983 Civil Suit	10	23	X	

(NOTE: ALL COPIES MADE FREE OF CHARGE)

LAW LIBRARY
(UNIT) BLANCH #3940—April, 1983

A-113

DATE	INMATE'S NAME	ITEM COPIED	NO. OF P.	TOTAL PHOTOS MADE	CHARGE		COPY
					FREE	AMOUNT	
04-01-83	Fred Crawford	Habeas Corpus	1	31	X		
04-01-83	Fred Crawford	Habeas Corpus	3	12	X		
04-01-83	Fred Crawford	Habeas Corpus	29	115	X		
04-01-83	Ronald Smith	Petition	51	51	X		
04-05-83	Fred Crawford	Habeas Corpus	3	15	X		
04-11-83	Reggie Somerset	Forma Pauperus	1	4	X		
04-11-83	Lee Williams	1983 Civil Suit	4	16	X		
04-14-83	Timothy Shelton	Petition	3	9	X		
04-18-83	Ernest Plemmons	Power of Attorney	1	12	X		
04-20-83	George Conner	Divorce Complaint	7	33	X		
04-25-83	John Lockamy	Appeal	6	20	X		
04-26-83	Jeffrey Ward	Motion	3	15	X		
04-26-83	Leroy King	Legal Letter	2	6	X		
04-26-83	Jerome Perrin	1983 Civil Suit	2	18	X		
04-27-83	Jerome Perrin	1983 Civil Suit	12	62	X		

(NOTE: ALL COPIES MADE FREE OF CHARGE)

DATE	INMATE'S NAME	ITEM COPIED	NO. OF P.	TOTAL PHOTOS MADE	CHARGE	
					FREE	COPY AMOUNT
05-83	John Lockamy	Relief Order	1	3	X	
05-83	Lee Robert Williams	Affidavits	13	80	X	
05-83	Ronald Smith	1983 Civil Suit	1	1	X	
05-83	David Castaway	Trial Records	1	5	X	
05-83	Lee Wright	1983 Civil Suit	12	12	X	
05-83	Auther Creson	Legal Doc.	1	4	X	
05-83	Reggie Somerset	1983 Civil Suit	11	65	X	
05-83	William Woods	Legal Doc.	1	10	X	
05-83	Samuel McQueen	Motion App. Relief	5	20	X	
05-83	Samuel McQueen	Motion App. Relief	1	3	X	
05-83	Steve Berleson	Case Copied	43	43	X	
05-83	John Lockamy	Legal Doc.	2	2	X	
05-83	Alvin McSwain	Legal Doc.	2	2	X	
05-83	K.T. Colder	Motion App. Relief	5	20	X	

(NOTE: ALL COPIES MADE FREE OF CHARGE)

LAW LIBRARY
(UNIT) BLANCH #3940—June, 1983

A-115

DATE	INMATE'S NAME	ITEM COPIED	NO. OF P.	TOTAL PHOTOS MADE	CHARGE	
					FREE	COPY AMOUNT
06-83	Albert L. Moore	Motion App. Relief	1	1	X	
06-83	Enith Taylor	Legal Documents	10	30	X	
06-83	Alvin McSwain	Legal Warrants	16	22	X	
06-83	Henry F. Adleins	Legal Letter	4	4	X	
06-83	Roger Wilkerson	1983 Civil Suit	4	16	X	
06-83	Tyrone Smith	Habeas Corpus	9	27	X	
06-83	Reggie Somerset	Motion App. Relief	6	18	X	
06-83	Howard Haynes	Habeas Corpus	15	45	X	
06-83	Deny Adam	Trial Records	2	12	X	
06-83	David Donell	Petition Legal Letters	15	45	X	
06-83	Leroy King	1983 Civil Suit	15	85	X	
06-83	Jeffery Ward	1983 Civil Suit	10	83	X	
06-83	Kessy Cable	Will	2	4	X	
06-83	Tyrone Allen	Motion	10	50	X	
06-83	Mark Caldwell	Legal Documents	1	25	X	
06-83	John Fuller	1983 Civil Suit	1	10	X	
06-83	Steve Berleason	1983 Civil Suit	8	48	X	
06-83	Kessy Cable	Motion App. Relief	5	20	X	
06-83	Lee Robert Williams	1983 Civil Suit	8	50	X	
06-83	Lynard Days	1983 Civil Suit	7	56	X	

(NOTE: ALL COPIES MADE FREE OF CHARGE)

LAW LIBRARY
(UNIT) BLANCH #3940—July, 1983

A-116

DATE	INMATE'S NAME	ITEM COPIED	NO. OF P.	TOTAL PHOTOS MADE	CHARGE	
					FREE	COPY AMOUNT
7-1-83	K.T. Cable	1983 Civil Suit	20	160	X	
7-1-83	John Lockamy	Legal Documents	9	9	X	
7-1-83	Lennard Green	Petition Time Cut	6	24	X	
7-1-83	John Lockamy	Petition	3	9	X	
7-1-83	Fred Crawford	Case Copied	2	2	X	
7-1-83	Raymond Oakes	Petition	14	45	X	
7-1-83	Vanders Lee McDowdle	Petition	25	80	X	
7-1-83	Alvin Cruise	1983 Civil Suit	17	90	X	
7-1-83	John Burlington	Legal Documents	2	8	X	
7-2-83	Ronald Taylor	Legal Letter	1	5	X	
7-2-83	Ronald Smith	Legal Letters	1	1	X	
7-3-83	William Davis	1983 Civil Suit	24	24	X	
7-3-83	Kurtis Banies	Petition	5	10	X	
7-5-83	John Fuller	Affidavit	1	2	X	
7-5-83	John Fuller	Legal Letter	1	3	X	
7-5-83	Jeffery Ward	1983 Civil Suit	8	58	X	
7-5-83	Vanders Lee McDowdle	Legal Orders	1	4	X	
7-5-83	John Burrington	Appeals	25	110	X	
7-5-83	John Lockamy	Appeals	10	40	X	
7-7-83	Mark Caldwell	Legal Documents	12	12	X	

(NOTE: ALL COPIES MADE FREE OF CHARGE)

LAW LIBRARY
(UNIT) BLANCH #3940—August, 1983

A-117

DATE	INMATE'S NAME	ITEM COPIED	NO. OF P.	TOTAL PHOTOS MADE	CHARGE	COPY
					FREE	AMOUNT
8-1-83	Earl Lee Thomson	Appeal	4	15	X	
8-1-83	John Fuller	1983 Civil Suit	10	30	X	
8-2-83	Michael Born	Petition	14	56	X	
8-3-83	John Fuller	Petition	4	16	X	
8-3-83	Author Ceason	Legal Letters	2	4	X	
8-3-83	Lee Workim	Motion	7	77	X	
8-8-83	Ronald Taylor	1983 Motion	8	32	X	
8-8-83	Leroy King	1983 Civil Suit	10	50	X	
8-9-83	Enith Talor	In Forma Pauperus	5	48	X	
8-10-83	James Crawford	1983 Civil Suit	15	75	X	
8-16-83	David Foster	Legal Letter	1	1	X	
8-22-83	Edward Thomas	Legal Letter	2	8	X	
8-23-83	Lee Williams	1983 Civil Suit	11	165	X	
8-24-83	Timothy Shelton	Civil Summons	12	65	X	
8-25-83	John Burlington	Habeas Corpus	15	60	X	
8-29-83	Sunny Buchanan	Legal Letter	1	1	X	
8-29-83	William Moore	Tort	2	8	X	
8-30-83	Ronald H. Smith	Legal Letters	1	3	X	
8-30-83	Bobby Earl	Appeal	11	55	X	

(NOTE: ALL COPIES MADE FREE OF CHARGE)

LAW LIBRARY
 (UNIT) BLANCH #3940—September, 1983

DATE	INMATE'S NAME	ITEM COPIED	NO. OF P.	TOTAL PHOTOS MADE	CHARGE	COPY
					FREE	AMOUNT
09-02-83	Robert Morehead	Transcript	10	10	X	
09-02-83	James Corsen	Appeal	4	20	X	
09-12-83	Ednith Taylor	Appeal	45	45	X	
09-12-83	Robert Yerty	Legal Letter	3	12	X	
09-12-83	Lee Mackey	1983	11	88	X	
09-13-83	Robert Morehead	App. Relief	14	85	X	
09-13-83	Lee Williams	Motion	3	30	X	
09-14-83	William Shank	Motion	2	9	X	
09-16-83	Lee Williams	1983	10	150	X	
09-19-83	John Fuller	1983	15	75	X	
09-27-83	William Moore	Tort	5	25	X	
09-28-83	Anthony Galloway	Appeal	7	15	X	

(NOTE: ALL COPIES MADE FREE OF CHARGE)



LAW LIBRARY
(UNIT) BLANCH #3940—October, 1983

DATE	INMATE'S NAME	ITEM COPIED	NO. OF P.	TOTAL PHOTOS MADE	CHARGE		COPY AMOUNT
					FREE		
10-03-83	Daniel Cuberhouse	Legal Letter	1	2	X		
10-05-83	Raymond Anderson	1983	9	54	X		
10-06-83	Ronald Smith	1983	4	28	X		
10-06-83	Howard Haynes	Legal Doc.	1	4	X		
10-10-83	David Darnell	App. Relief	10	40	X		
10-11-83	Tommy Morrison	1983	5	40	X		
10-12-83	Anthony Galloway	1983	15	45	X		
10-17-83	Lee Williams	Civil Suit	3	21	X		
10-19-83	Franklin Leonard	Civil Suit	5	10	X		
10-19-83	James Kennedy	Appeal	10	50	X		
10-20-83	Dennie Oakes	1983	10	60	X		
10-20-83	William Moore	Tort Claim	5	10	X		
10-21-83	Dennis Oakes	1983	10	50	X		

(NOTE: ALL COPIES MADE FREE OF CHARGE)

LAW LIBRARY
(UNIT) BLANCH #3940—November, 1983

A-120

DATE	INMATE'S NAME	ITEM COPIED	NO. OF P.	TOTAL PHOTOS MADE	CHARGE		COPY
					FREE	AMOUNT	
11-01-83	Tommy Morrison	1983	8	48	X		
11-01-83	William Turner	Divorce	10	10	X		
11-02-83	Edith Taylor	Motion	55	55	X		
11-02-83	Lee William	1983	1983	3	X		
11-02-83	William Ramseau	1983	10	50	X		
11-02-83	Vander Douglas	Appeal	10	50	X		
11-02-83	Dennis Oakes	1983	10	50	X		
11-09-83	Eugene Barnard	1983	5	50	X		
11-10-83	Eugene Strader	1983	27	115	X		
11-14-83	Robert Marshall	Appeal	2	14	X		
11-14-83	Steve Burleson	Writ Cert.	15	30	X		
11-17-83	Timothy Shelton	1983	35	35	X		

(NOTE: ALL COPIES MADE FREE OF CHARGE)

LAW LIBRARY
(UNIT) BLANCH #3940—December, 1983

DATE	INMATE'S NAME	ITEM COPIED	NO. OF P.	TOTAL PHOTOS MADE	CHARGE	
					FREE	COPY AMOUNT
12-01-83	Tony Buckner	Divorce	7	21	X	
12-05-83	Steve Burleson	Appeal	4	25	X	
12-05-83	Robert Simmons	Appeal	4	22	X	
12-05-83	Roger Emerial	Affidavit	6	12	X	
12-09-83	Tyson Ferugton	App. Relief	7	28	X	
12-12-83	Kenneth Allen	1983	10	40	X	

(NOTE: ALL COPIES MADE FREE OF CHARGE)

LAW LIBRARY
(UNIT) BLANCH #3940—January, 1984

A-122

DATE	INMATE'S NAME	ITEM COPIED	NO. OF P.	TOTAL PHOTOS MADE	CHARGE	
					FREE	COPY AMOUNT
01-03-84	Gene Strader	Memorandums	10	40	X	
01-03-84	Richard Yarty	Civil Suit	35	70	X	
01-04-84	Gene Strader	Appeal	10	50	X	
01-04-84	Kenneth Allen	1983	7	28	X	
01-05-84	Robert Morehead	Appeal	9	54	X	
01-05-84	Walter Brown	App. Relief	5	15	X	
01-11-84	Henry Barker	Trial Records	3	7	X	
01-11-84	Gene Strader	1983	10	40	X	
01-13-84	Ronald Taylor	Rules	15	15	X	
01-16-84	Ronald Taylor	Motion	5	18	X	
01-17-84	James Barber	Jail Credit	2	6	X	
01-17-84	William Tillery	App. Relief	8	24	X	
01-18-84	Gene Strader	Discovery	6	25	X	
01-18-84	Anthony Galloway	1983	28	84	X	
01-20-84	James Thomas	Jail Credit	6	6	X	
01-23-84	Robbie Styles	1983	7	42	X	
01-25-84	Steve Taylor	App. Relief	6	14	X	
01-25-84	Raymond Alderson	1983	18	130	X	
01-25-84	Donald McIntyes	Motion Relief	7	28	X	

(NOTE: ALL COPIES MADE FREE OF CHARGE)

LAW LIBRARY
(UNIT) BLANCH #3940—February, 1984

A-123

DATE	INMATE'S NAME	ITEM COPIED	NO. OF P.	TOTAL PHOTOS MADE	CHARGE FREE	COPY AMOUNT
02-01-84	Gene Strader	Legal Doc.	10	70	X	
02-07-84	Roy Joyner	Habeas Corpus	8	32	X	
02-08-84	William Davis	1983	10	35	X	
02-15-84	David Donall	Appeal	15	75	X	
02-17-84	Hurman Guci	Habeas Corpus	5	15	X	
02-17-84	Earl Franklin	Habeas Corpus	23	95	X	
02-27-84	Ronald Smith	Appeal	70	70	X	

(NOTE: ALL COPIES MADE FREE OF CHARGE)

LAW LIBRARY
(UNIT) BLANCH #3940—March, 1984

A-124

DATE	INMATE'S NAME	ITEM COPIED	NO. OF P.	TOTAL PHOTOS MADE	CHARGE FREE	COPY AMOUNT
03-01-84	Steve Burleson	Appeal	27	27	X	
03-01-84	Robert Styles	Appeal	7	25	X	
03-01-84	Earl Franklin	Habeas Corpus	5	15	X	
03-01-84	Ronald Taylor	1983	10	60	X	
03-01-84	Ron Oates	1983	5	15	X	
03-05-84	Wayne Blansett	Jail Credit	2	6	X	
03-07-84	Heal Person	Appeal	7	58	X	
03-07-84	Clarence Walker	1983	6	30	X	
03-13-84	Clarence Walker	1983	6	24	X	
03-28-84	Odell Camerson	1983	10	60	X	

(NOTE: ALL COPIES MADE FREE OF CHARGE)

LAW LIBRARY
(UNIT) BLANCH #3940—April, 1984

A-125

DATE	INMATE'S NAME	ITEM COPIED	NO. OF P.	TOTAL PHOTOS MADE	CHARGE	
					FREE	AMOUNT
04-01-84	James Kennedy	Motion	2	10	X	
04-05-84	Joseph Eason	1983	8	40	X	
04-06-84	Tony Buckner	1983	8	22	X	
04-18-84	Harry Barker	Motion	6	15	X	
04-18-84	Harry Barker	1983	8	48	X	
04-18-84	Charles Barnard	1983	6	60	X	

(NOTE: ALL COPIES MADE FREE OF CHARGE)

LAW LIBRARY
(UNIT) BLANCH #3940—May, 1984

A-126

DATE	INMATE'S NAME	ITEM COPIED	NO. OF P.	TOTAL PHOTOS MADE	CHARGE	
					FREE	AMOUNT
05-10-84	Steve Burleson	App. Relief	9	32	X	
05-14-84	Danny Burns	Trial Records	4	12	X	
05-16-84	Harry Barker	1983	19	114	X	
05-16-84	Tony Buckner	1983	7	21	X	
05-17-84	Timothy Whitaker	App. Relief	16	96	X	
05-18-84	Raymond Creason	App. Relief	3	6	X	
05-21-84	Rickey Burns	Transcript	3	12	X	
05-21-84	William Davis	Trial Records	3	12	X	
05-21-84	Thomas Ellington	Trial Records	3	12	X	
05-22-84	Charles Swuirs	1983	6	24	X	
05-23-84	Walter Terrell	1983	11	22	X	
05-23-84	Thomas Carr	Divorce	6	18	X	
05-23-84	Charles Dixon	App. Relief	3	9	X	
05-31-84	Edward McCrae	Appeal	16	80	X	

(NOTE: ALL COPIES MADE FREE OF CHARGE)

LAW LIBRARY
(UNIT) BLANCH #3940—June, 1984

A-127

DATE	INMATE'S NAME	ITEM COPIED	NO. OF P.	TOTAL PHOTOS MADE	CHARGE		COPY
					FREE	AMOUNT	
06-01-84	James McKennon	Affidavit	3	18	X		
06-01-84	Charles Dixon	1983	6	24	X		
06-04-84	Carlton Dorsett	Mot. App. Rel.	8	33	X		
06-04-84	Raymond Creason	1983	1	3	X		
06-06-84	Landell Lagrange	Legal Forms	11	11	X		
06-06-84	Franklin Leonard	Legal Forms	11	11	X		
06-11-84	Richard Yarty	Legal Letter	2	4	X		
06-13-84	Tony Buckner	1983	1	6	X		
06-13-84	Harry Barker	1983	26	104	X		
06-15-84	Jesse Gay	App. Relief	13	39	X		
06-18-84	Alan McCrimmon	Trial Records	3	9	X		
06-20-84	Harry Barker	1983	9	40	X		
06-20-84	Arnold Languie	Divorce	8	32	X		
06-20-84	Gene Strader	Habeas Corpus	12	48	X		
06-22-84	Harry Barker	Appeal	17	65	X		
06-22-84	Roger Wilderson	1983	6	12	X		

(NOTE: ALL COPIES MADE FREE OF CHARGE)

LAW LIBRARY
(UNIT) BLANCH #3940—July, 1984

A-128

DATE	INMATE'S NAME	ITEM COPIED	NO. OF P.	TOTAL PHOTOS MADE	CHARGE	
					FREE	COPY AMOUNT
07-02-84	Kenneth Danger	Legal Letters	3	9	X	
07-02-84	Marion Jackson	Writ Cert	4	12	X	
07-02-84	Elbert Bailey	Divorce	6	14	X	
07-02-84	Richard Almond	1983	6	24	X	
07-03-84	Harry Barker	App. Relief	9	108	X	
07-05-84	Claude Ward	Divorce	10	34	X	
07-05-84	Willie Terrell	Gov. Request	11	33	X	
07-06-84	Moses McKay	Affidavit	5	20	X	
07-10-84	Jesse Gay	Motion	33	99	X	
07-13-84	Charles Dixon	Affidavit	3	12	X	
07-16-84	Doug Husketh	Transcript	4	12	X	
07-17-84	Gene Strader	Motion	6	18	X	
07-18-84	Odell Cameron	Motion	11	41	X	
07-18-84	Harry Barker	Affidavit	9	27	X	
07-24-84	Clarence Walker	1983	6	42	X	
07-24-84	William McQuary	1983	7	35	X	
07-25-84	David Hold	Civil Compt.	6	48	X	
07-25-84	Jackie Graves	1983	12	50	X	
07-26-84	Robert Stigall	App. Relief	5	25	X	
07-27-84	Irvin Pace	1983	6	30	X	

(NOTE: ALL COPIES MADE FREE OF CHARGE)

LAW LIBRARY
(UNIT) BLANCH #3940—August, 1984

DATE	INMATE'S NAME	ITEM COPIED	NO. OF P.	TOTAL PHOTOS MADE	CHARGE		COPY
					FREE	AMOUNT	
08-01-84	Carlos Hairs	Trial Records	1	4	X		
08-01-84	Anthony Stokes	Divorce	6	20	X		
08-01-84	Berley Fountain	App. Relief	7	35	X		
08-06-84	Richard Hill	App. Relief	5	15	X		
08-06-84	Robert Buchanan	1983	6	24	X		
08-07-84	William Moore	App. Relief	7	28	X		
08-09-84	William Tiffey	App. Relief	16	77	X		
08-09-84	Robert Howell	Appeal	114	215	X		
8-14-84	Michael Brown	1983	6	40	X		
8-17-84	Don King	App. Relief	4	12	X		
8-17-84	Donald Kelly	App. Relief	3	15	X		
8-17-84	Raymond Creason	App. Relief	4	32	X		
8-21-84	Gene Strader	Appeal	173	195	X		
8-21-84	Don Lattimore	1983	7	35	X		
8-27-84	Robert Howell	Affidavit	14	42	X		
8-27-84	Gene Strader	Affidavit	12	36	X		
8-28-84	Leon Ange	Legal Letters	5	5	X		
8-29-84	Donald Kelly	1983	14	42	X		

(NOTE: ALL COPIES MADE FREE OF CHARGE)

EXHIBIT B

PHOTOCOPY LOG LAW LIBRARY

SOUTHERN CORRECTIONAL CENTER 3600

DATE	INMATES NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL PHOTOS MADE	CHARGE FOR COPIES	
					FREE	AMOUNT COLLECTED
1-3-84	Culver Emmett	Legal	2	2	2	—
1-3-84	Randy Turner	Legal	1	1	1	—
1-3-84	Culver Emmet	Legal	32	32	32	—
1-3-84	David L. McLain	Legal	84	84	84	—
1-3-84	Mark Jenkins	Legal	1	1	1	—
1-4-84	Jason Dodson	Legal	19	19	19	—
1-4-84	James Earl Buie	Legal Exhibits	10	10	10	—
1-5-84	James Earl Buie	Exhibits	2	2	2	—
1-5-84	Wardell Johnson	Exhibits	20	20	20	—
1-5-84	Wardell Johnson	Exhibits	30	30	30	—
1-10-84	Terry L. Home	Exhibits—Legal	30	30	30	—
1-10-84	James Buie	Exhibits	11	11	11	—
1-10-84	Emmet Culver	Exhibits	2	2	2	—
1-10-84	Roger D. Emanuel	Exhibits	38	38	38	—
1-10-84	Marion L. Jackson	Exhibits	2	2	2	—
1-11-84	James L. Small Marked Columbus	Exhibits	9	9	9	—
1-11-84	Isaac J. Williams	Exhibits	2	2	2	—
1-11-84	Harvey Simmons	Exhibits	9	9	9	—
1-12-84	Vernell Kendine	Exhibit	1	1	1	—
1-12-84	James Cranfell	Exhibits	3	3	3	—
1-12-84	Steven Huntley	Exhibits	1	1	1	—
1-13-84	Renard Jones	Exhibits	21	21	21	—
1-13-84	Jerome Monroe	Exhibits	2	2	2	—
1-13-84	Vernell Oxendine	Exhibits	6	6	6	—
1-13-84	Emmet Culver	Exhibits	40	40	40	—
1-17-84	Danny Lee Laun	Exhibit	1	1	1	—

**PHOTOCOPY LOG
LAW LIBRARY**

SOUTHERN CORRECTIONAL CENTER 3600

A-131

DATE	INMATES NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL PHOTOS MADE	CHARGE FOR COPIES	
					FREE	AMOUNT COLLECTED
1-18-84	David Allen Beaver	Legal	3	3	3	—
1-19-84	Ricky D. Brock	Legal & Exhibits	267	267	267	—
1-19-84	P. Berle	Exhibits	15	15	15	—
1-20-84	(Illegible)	Exhibits	23	23	23	—
1-23-84	Roger D. Emanuel	Exhibits	20	20	20	—
1-24-84	(Illegible)	Exhibits	24	24	24	—
1-24-84	Marion Jackson	Exhibits	12	12	12	—
1-25-84	Ronald L. (Illegible)	Exhibit	1	1	1	—
1-25-84	Ralph Pulliam	Exhibits	12	12	12	—
1-25-84	(Illegible)	Exhibits	3	3	3	—
1-26-84	(Illegible)	Exhibits	10	10	10	—
1-26-84	Clarence W. Feemen	Exhibits	26	26	26	—
1-26-84	James Calvin Hill	Exhibits	4	4	4	—
1-27-84	Wardell Johnson	Exhibits	40	40	40	—
1-27-84	Brian F. Lee	Exhibits	4	4	4	—
1-30-84	(Illegible)	Exhibits	12	12	12	—
1-30-84	Wardell Johnson	Exhibits	8	8	8	—
1-30-84	Jerry Beeson	Exhibits	100	100	100	—
1-30-84	Robert L. Kirby	Exhibits	5	5	5	—
1-31-84	John Glenn Little	Exhibits	21	21	21	—
2-1-84	E. Culver	Exhibits	2	2	2	—
2-1-84	(Illegible)	Exhibits	25	25	25	—
2-1-84	James W. Wilson	Exhibits	5	5	5	—
2-3-84	Billy Willis	Exhibits	24	24	24	—
2-6-84	James Earl Buie	Exhibits	70	70	70	—
2-6-84	Harold Smith	Exhibits	3	3	3	—

**PHOTOCOPY LOG
LAW LIBRARY**

SOUTHERN CORRECTIONAL CENTER 3600

A-132

DATE	INMATES NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL PHOTOS MADE	CHARGE FOR COPIES	
					FREE	AMOUNT COLLECTED
2-7-84	James Buie	Exhibits	10	10	10	—
2-7-84	James B. Tillman	Exhibits	3	3	3	—
2-7-84	Ricky Brock	Exhibits	6	6	6	—
2-7-84	James Buie	Exhibits	40	40	40	—
2-8-84	Vernell Oxendine	Exhibits	1	1	1	—
2-8-84	Christopher A. Ingram	Exhibits	2	2	2	—
2-9-84	Carnell Smith	Exhibits	37	37	37	—
2-9-84	Roger D. Emanuel	Exhibits	15	15	15	—
2-9-84	(Illegible)	Exhibits	12	12	12	—
2-9-84	(Illegible)	Exhibits	17	17	17	—
2-9-84	Emmet Culver	Exhibits	5	5	5	—
2-9-84	James Buie	Exhibits	34	34	34	—
2-10-84	Zane Perkins	Exhibits	3	3	3	—
2-10-84	Robert L. Kirby	Exhibits	38	38	38	—
2-13-84	Dorsey L. Williams	Exhibits	24	24	24	—
2-13-84	Johnny Borg	Exhibits	2	2	2	—
2-13-84	James Buie	Exhibits	30	30	30	—
2-13-84	Culver	Exhibits	37	37	37	—
2-13-84	James Cranfield	Exhibits	35	35	35	—
2-14-84	James R. Tillman	Exhibits	45	45	45	—
2-14-84	(Illegible)	Exhibits	15	15	15	—
2-14-84	Vernell Oxendine	Exhibits	87	87	87	—
2-15-84	Raymond Carter	Exhibits	7	7	7	—
2-15-84	James Buie	Exhibits	7			
2-15-84	James Tillman	Exhibits	45	45	45	—
2-15-84	Ricky Brock	Exhibits	40	40	40	—

PHOTOCOPY LOG
LAW LIBRARY

SOUTHERN CORRECTIONAL CENTER 3600

A-133

DATE	INMATES NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL PHOTOS MADE	CHARGE FOR COPIES	
					FREE	AMOUNT COLLECTED
2-15-84	Maurice Jackson	Exhibits	20	20	20	—
2-16-84	William Grahams	Exhibits	10	10	10	—
2-17-84	Riccardo Hernandez	Exhibits	4	4	4	—
2-21-84	James Cranfield	Exhibits	34	34	34	—
2-22-84	Herman Dallas	Exhibits	1	1	1	—
2-22-84	Wendell Ingram	Exhibits	2	2	2	—
2-22-84	Eric Simons	Exhibits	7	7	7	—
2-22-84	Roger McKay	Exhibits	4	4	4	—
2-22-84	James Buie	Exhibits	20	20	20	—
2-22-84	Wardell Johnson	Exhibits	7	7	7	—
2-24-84	Isaac Williams	Exhibits	4	4	4	—
2-24-84	James A. Kelly	Exhibits	323	323	323	—
2-24-84	Ralph D. Pulliam	Exhibits	77	77	77	—
2-27-84	Eddie Wilkes	Exhibits	25	25	25	—
2-27-84	(Illegible)	Exhibits	7	7	7	—
2-28-84	James Buie	Exhibits	10	10	10	—

2-28-84	Willie Blue	Exhibits	18	18	18	—
2-28-84	C. Bulee	Exhibits	26	26	26	—
2-29-84	Wardell Johnson	Exhibits	40	40	40	—
2-29-84	James A. Kelly	Exhibits	59	59	59	—
2-29-84	Ledell Hudson	Exhibits	12	12	12	—

**PHOTOCOPY LOG
LAW LIBRARY**

SOUTHERN CORRECTIONAL CENTER 3600

DATE	INMATES NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL PHOTOS MADE	CHARGE FOR COPIES	
					FREE	AMOUNT COLLECTED
3-2-84	Rayford Ashford	Correspond. w/Attorney	3	3	3	—
3-2-84	Ronnie Brown	Exhibits	35	35	35	—
3-2-84	Ricky Brock	Exhibits	173	173	173	—
3-5-84	Paul Odell	Exhibits	64	64	64	—
3-5-84	Jerry Lee Beeson	Exhibits	350	350	350	—
3-5-84	Robert L. Kirby	Exhibits	20	20	20	—
3-6-84	Richard Hoots	Exhibits	147	147	147	—
3-7-84	Willie Grooms	Exhibits	1	1	1	—
3-7-84	Andy E. Mahe	Exhibits	2	2	2	—
3-7-84	Charles Bullard	Exhibits	9	9	9	—
3-7-84	James Buie	Exhibits	20	20	20	—
3-8-84	Lavern Williams	Exhibits	2	2	2	—
3-8-84	James L. Davis	Exhibits	2	2	2	—
3-8-84	Culver, Emmet	Exhibits	12	12	12	—
3-9-84	Ricky D. Brock	Exhibits	30	30	30	—
3-12-84	Addison W. Sewell	Exhibits	48	48	48	—
3-13-84	James Buie	Exhibits	30	30	30	—
3-13-84	Allen Fegley	Legal	90	90	90	—
3-15-84	Enith Lester Taylor	Legal	52	52	52	—
3-16-84	James Buie	Cert. of Service	4	4	4	—
3-16-84	Eric A. Robins	Legal Letter	20	20	20	—
3-16-84	J. Achlin	Affidavit	1	1	1	—
3-19-84	Emmet Culver	Letter to Hoyt Slope	2	2	2	—
3-19-84	Will Johnson	Legal Copies	25	25	25	—
3-19-84	Wardell Johnson	Legal	3	3	3	—
3-20-84	Herman J. Dallas	Legal	15	15	15	—

**PHOTOCOPY LOG
LAW LIBRARY**

SOUTHERN CORRECTIONAL CENTER 3600

A-135

DATE	INMATES NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL PHOTOS MADE	CHARGE FOR COPIES	
					FREE	AMOUNT COLLECTED
3-20-84	Arthur S. Chapman	Legal	36	36	36	—
3-20-84	Jerry Pearce	Exhibits	8	8	8	—
3-20-84	Allen Lee Fegley	Exhibits	11	11	11	—
3-20-84	William Downard	Motions	18	18	18	—
3-21-84	Ronnie Brown	Exhibits	8	8	8	—
3-23-84	Wardell Johnson	Legal	42	42	42	—
3-23-84	Emmet Culver	Legal	30	30	30	—
3-23-84	James Buie	Exhibits	40	40	40	—
3-23-84	Albert Lee Burrow	Exhibits	16	16	16	—
3-26-84	Dallas Stewart	Legal	7	7	7	—
3-26-84	Illegible	Exhibits	9	9	9	—
3-28-84	Wayne Brooks	Exhibits	180	180	180	—
3-28-84	Richard Hoots	Legal	600	600	600	—
3-28-84	Alvin D. (Illegible)	Exhibits	6	6	6	—
3-28-84	William Newton	Legal	22	22	22	—
3-28-84	Ricky D. Brock	Legal	180	180	180	—
3-28-84	Jerry Beeson	Legal	14	14	14	—
3-29-84	Jerry Beeson	Legal	50	50	50	—
3-29-84	Richard A. Hoots	Exhibit	1	1	1	—
3-29-84	Jeffrey (Illegible)	Exhibits	10	10	10	—
3-30-84	Illegible	Legal	8	8	8	—
3-30-84	Richard Hoots	Exhibits	38	38	38	—
3-30-84	Wardell Johnson	Exhibits	18	18	18	—

**PHOTOCOPY LOG
LAW LIBRARY**

SOUTHERN CORRECTIONAL CENTER 3600

DATE	INMATES NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL PHOTOS MADE	CHARGE FOR COPIES	
					FREE	AMOUNT COLLECTED
4-2-84	Emmet Culver	Exhibits	50	50	50	—
4-2-84	Wardell Johnson	Exhibits	18	18	18	—
4-3-84		Exhibits	46	46	46	—
4-3-84	Jeffrey (Illegible)	Exhibits	10	10	10	—
4-4-84	Joseph T. Martin	Exhibits	1	1	1	—
4-4-84	William (Illegible)	Exhibits	48	48	48	—
4-4-84	Emmet Culver	Exhibits	64	64	64	—
4-4-84	Rob (Illegible)	Exhibits	50	50	50	—
4-4-84	Wardell Johnson	Exhibits	25	25	25	—
4-6-84	Harvey (Illegible)	Exhibits	24	24	24	—
4-6-84	Carl (Illegible)	Exhibits	2	2	2	—
4-6-84	Wardell Johnson	Exhibits	6	6	6	—
4-6-84	Jerry Odell Albert Lee Burrow	Exhibits	65	65	65	—
4-10-84	Albert Lee Burrow	Exhibits	10	10	10	—
4-10-84	Terry C. (Illegible)	Exhibits	25	25	25	—
4-10-84	Wendell Ingram	Exhibits	1	1	1	—
4-10-84	William (Illegible)	Exhibits	102	102	102	—
4-10-84	Ricky D. Brock	Exhibits	47	47	47	—
4-11-84	William Graham	Exhibits	20	20	20	—
4-11-84	Freddie Taylor	Exhibits	39	39	39	—
4-11-84	Jeffrey (Illegible)	Notice of Appeal	6	6	6	—
4-11-84	Emmet Culver	Exhibits	5	5	5	—
4-11-84	Terry McDonald—Mailed	Legal	40	40	40	—
4-11-84	Freeman (Illegible)	Exhibits	48	48	48	—
4-11-84	Jesse Walker	Exhibits	2	2	2	—
4-12-84	Terry C. (Illegible)	Exhibits				

**PHOTOCOPY LOG
LAW LIBRARY**

SOUTHERN CORRECTIONAL CENTER 3600

A-137

DATE	INMATES NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL PHOTOS MADE	CHARGE FOR COPIES	
					FREE	AMOUNT COLLECTED
4-12-84	Roger W. (Illegible)	Legal	7	7	7	—
4-13-84	James (Illegible) (Mailed)	Legal	11	11	11	—
4-13-84	(Illegible)	Exhibits	20	20	20	—
4-13-84	James Buie	Legal	20	20	20	—
4-13-84	John Cummings	Legal	5	5	5	—
4-16-84	(Illegible)	Exhibits & Legal	278	278	278	—
4-16-84	Timothy Wallington	Legal	2	2	2	—
4-16-84	Jerry Beeson	Exhibits	55	55	55	—
4-17-84	Ronnie Dale Brown	Legal	69	69	69	—
4-18-84	Herman J. Dallas	Exhibits	2	2	2	—
4-18-84	Wardell Johnson	Exhibits	19	19	19	—
4-18-84	(Illegible)	Exhibits	11	11	11	—
4-18-84	David McLain	Exhibits	232	232	232	—
4-18-84	James Earl Buie	Exhibits	25	25	25	—
4-18-84	(Illegible)	Exhibits	22	22	22	—
4-24-84	Wardell Johnson	Exhibits	17	17	17	—
4-25-84	(Illegible)	Exhibits	23	23	23	—
4-25-84	Rodney (Illegible)	Legal	21	21	21	—
4-27-84	Herman Dallas	Legal	20	20	20	—
4-29-84	Emmet Culver	Exhibits	2	2	2	—
4-27-84	Bruce Gilliam	Exhibits	16	16	16	—
4-30-84	Emmet Culver	Exhibit	1	1	1	—
4-30-84	Emmet Culver	Exhibits	3	3	3	—
4-30-84	Harley (Illegible)	Exhibits	39	39	39	—
4-30-84	Ronnie Horton	Exhibits	174	174	174	—

APPENDIX S
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

ROBERT (BOBBY) SMITH, et al.,)		
<i>Plaintiffs</i>)		
VS.)		NO. 3052 CIVIL
		RALEIGH DIVISION
VERNON LEE BOUNDS, et al.,)		
<i>Defendants</i>)		

DONALD W. MORGAN, et al.,)		
<i>Plaintiffs</i>)		
VS.)		NO. 4277 CIVIL
		RALEIGH DIVISION
R. L. TURNER,)		
<i>Defendant</i>)		

JOHN HARRINGTON, et al.,)		
<i>Plaintiffs</i>)		
VS.)		NO. 790 CIVIL
		WASHINGTON
		DIVISION
JAMES HOLSHOUSER, et al.,)		
<i>Defendants</i>)		

I, NATHANIEL O. BOYKIN, being first duly sworn, do hereby depose and say: 3

That I am employed by the North Carolina Department of Correction as Librarian Consultant and Head Librarian. In this position, I am responsible for overseeing the operation of all libraries operated by the Division of Prisons. My responsibilities also include coordinating the law library workshops which are attended both by inmates and correctional personnel.

My educational experience in the field as a Librarian Consultant I is a Master's Degree in Library Science from an ALA approved school and six years as the State Documents Librarian for the State of North Carolina and Head Reference Librarian at North Carolina Central University, Durham, North Carolina. In addition, I have audited two major courses in law (Legal Research and Legal Methods) from the School of Law, North Carolina Central University, Durham, North Carolina.

The Division of Prisons has established a systematic method of training inmates and correctional employees by conducting law library workshops. The Division of Prisons has conducted five law library workshops since February, 1983.

Each participant attending a law library workshop receives forty hours of training including fourteen hours on legal research and citation style, ten hours on forms practice and filing procedures, and sixteen hours on briefing a case, legal memorandum, court brief, and the law of criminal procedure. The instructional methods used during the week long course include lecture, class discussion, and viewing of filmstrips. Course participants are given case study problems to enhance their understanding of the course materials. In addition, participants practice filling out the various forms which are reviewed in class.

A copy of the lesson plan outlining the course contents is attached to this affidavit, marked Exhibit I, and included as a part hereof. Exhibit I shows the reference books used for the class, the learner objectives for the participants, and the list of state and federal forms which are reviewed in the class. These forms include but are not limited to Habeas Corpus, Petition for Writ of Certiorari, Motion and Request for a Speedy Trial, and Motion for Jail Time Credit.

The Department of Correction has conducted five law library workshops for inmates and correctional employees since February, 1983. The workshops are set up a contractual basis with Durham Technical Institute who provides the instruction at a Division of Prisons facility.

As coordinator of the law library workshops, I send memoranda to the law library instructors each time a workshop is conducted. The purpose of the memoranda are to inform the instructors who will be participating in the workshop, including inmates and correctional personnel. Copies of the memoranda showing the inmates scheduled to participate in the five law library workshops are attached to this affidavit, marked Exhibits J through N inclusive, and included as a part hereof. Copies of memoranda, as well as one class roster, showing the correctional personnel scheduled to participate in the five law library workshops are attached to this affidavit, marked Exhibits O through S inclusive and included as a part hereof.

The memoranda and class rosters show that 23 inmates and 25 Department of Correction employees were scheduled to attend the law library workshop held in February, 1983. The memoranda also show that 23 inmates and 24 Department of Correction employees were scheduled to attend the workshop held in July, 1983; 29 inmates and 24 Department of Correction employees were scheduled to attend the law library workshop held from April 30 to May 4, 1984; 25 inmates and 19 Department of Correction employees were scheduled to attend the September, 1984 law library workshop; and 26 inmates and 23 Department of Correction employees were scheduled to attend the March, 1985 workshop.

During the week long law library workshop, attended by correctional employees, I emphasize to the participants that at all times the officers running the law libraries must follow the Division of Prisons' Policies and Procedures concerning the operation of the law libraries. The policy concerning operation of the law libraries is codified as 5 NCAC 2G .0201 through .0205. A copy of the policy entitled "Access to the Courts" is attached to this affidavit, marked Exhibit T and included as a part hereof.

This the 12 day of June, 1985

/S/ Nathaniel O. Boylan
Affiant

Sworn to and subscribed before me this
the 12 day of June, 1985.

/S/ Lillie M. Grissom
Notary Public

My Commission Expires: 9-25-88

EXHIBIT I

LAW LIBRARY WORKSHOP

(40 Hours)

LESSON PLAN PREPARED BY: Nathaniel O. Boykin

PART I

I. Lesson Title: Legal Research—Citation Style

II. Lesson Preparation:

- A. Learner Objectives:** To provide training in the methodology of legal analysis and synthesis of case reading and briefing for inmates, correctional officers, and professional librarians who use prison law libraries.
- B. Time Required:** fourteen hours
- C. Instructional Methods:** Lecture, class discussion, and handout for problems research.
- D. Equipment:** A law library collection, chalkboard or flipchart, overhead projector, visual aids methods, and filmstrips.
- E. Instructional Materials:** Some handouts on the various aspects of legal research.
- F. References:** How to use your law library. Prepared for the North Carolina Department of Corrections: Legal Research in a Nutshell, by Cohen; and Effective Legal Research by Price.
- G. Student Assignment:** Students will be required to read the two above references before attending the workshop. During the workshop there will be a few legal research problems to be worked on outside of the classroom.

III. Outline of Presentation:

- A. Introduction**
- B. Law Books (Classed)**
 - 1. Legislation

2. Case Law or Reports
3. Texts and Treaties
4. Legal Periodical
5. Encyclopedia
6. Legal Dictionaries
7. Indexes and Search Books
8. Loose-leaf Services

C. Definitions

D. How to Read a Case

1. Reports/Reporters
2. Citations
3. Research Aids
4. Case Briefing

E. Legal Research Methods

1. The Word Approach
2. The Statute Approach
3. The Case Approach
4. Shepardizing

F. Problems Solving

G. Summary of Lesson

H. Evaluation

I. Final Examination

PART II

I. Lesson Title: Forms Practice and Filing Procedures

II. Lesson Preparation:

- A. **Learner Objectives:** To provide legal training for inmates, correctional officers, and librarians in (1) how to fill out various legal forms; (2) what forms to file with the appropriate courts; and (3) the how and where of filing procedures.
- B. **Time Required:** ten hours.
- C. **Instructional Methods:** Lecture, class discussion, handouts, filmstrip, and practice on the various forms.

- D. **Equipment:** Various forms from both the State and Federal government, flipchart, overhead projector, and other visual aid materials.
- E. **Instructional Materials:** Forms (both State and Federal), Update fact sheets from Administrative offices of the Courts.
- F. **References:** North Carolina General Statutes; U.S. Codes; Criminal Law Reporter; and Legal Research in a Nutshell.
- G. **Student Assignment:** none

III. Outline of Presentation:

A. Introduction

B. Legal Forms

1. Summons and Complaints
2. Affidavit
3. Order to Show Cause and Temporary Restraining Order
4. In Forma Pauperis Papers
5. Motion for Appointment of Counsel
6. Papers for Pre-Trial Discovery
 - a. Interrogatories
 - b. Request for Production of Documents
 - c. Motion of Compel Discovery
7. Motion to Vacate Judgment
8. Notice of Appeal
9. Motion for an Extension of Time
10. Default Judgment Papers
11. Habeas Corpus
12. Divorce Complaint
13. Inmate's Trust Fund Certification of Balance on Deposit
14. Petition for Writ of Certiorari
15. Motion and Request for a Speedy Trial
16. Motion for Jail Time Credit
17. Application for Further Review of Decision of the North Carolina Court of Appeals
18. Power of Attorney

19. Trial Records
20. Certificate of Service
21. Verification
22. Other Miscellaneous Forms, both State and Federal, (see Appendix A).

C. Summary of Lesson

D. Evaluation

PART III

I. Lesson Title: Briefing a Case, Legal Memorandum, Court Briefs, and the Substantive Law of Criminal Procedure.

II. Lesson Preparation:

- A. Learner Objectives:** To provide legal training for inmates, correctional officers, and librarians in how the legal process works, how to produce appeals, motions, and court briefs, as well as a better understanding of substantive Law of Criminal Procedure.
- B. Time Required:** Sixteen hours.
- C. Instructional Methods:** Lecture, class discussion, handouts, filmstrips, films, and a few case study problems.
- D. Equipment:** Overhead Projector, some A V's materials, chalkboard, and flipchart.
- E. Instructional Materials:** Handouts on the various aspects of the Law.
- F. References:** **Prisoner's Rights Sourcebook: Theory, Litigation Practice**, edited by M.G. Hermann and M.G. Haft, 1973; **Criminal Procedure in a Nutshell**, by W. F. LaFave, 1971; **Cases and Materials on the Law of Corrections and Prisoner's Rights**, by Sheldon Krantz, 1973; and **Criminal Law: Cases, Materials, and Text on the Substantive Criminals Law in Its Procedural Context**, by Phillip Johnson.
- G. Student Assignment:** Overnight reading from the handouts.

III. Outline of Presentation:

A. Introduction

1. A short history of Section 1983 and the struggle for prisoner's rights.
2. The limits and uses of legal action.

B. The Kind of Suit You Can Bring

1. Who can use Section 1983
2. What you can sue about
3. Your rights under the U.S. Constitution
4. Injunctions (who, what, why, when, and how)
5. Money Damages
6. Class Actions

C. Basic Procedures for Filing Your Suit

1. What legal papers to file
2. When to file your suit
 - a. Statute of Limitations
 - b. Exhaustion of State remedies
3. Where and how to file
4. Getting immediate help from the Court

D. What Happens After You File Your Suit

1. A general overview
2. How to respond to a motion to dismiss your suit
3. The motion for a summary judgment
4. The problem of mootness
5. What to do if your suit is dismissed or the defendants win a summary judgment
6. Pre-trial discovery

E. How to Protect Your Freedom to Take Legal Action and Help other Prisoners.

F. Questions and Answers Session

G. Summary of Lesson

H. Evaluation

Authentication

- A. Lesson Plan Prepared by Nathaniel O. Boylan Date Jan. 4, 1983
- B. Lesson Plan Approved by _____ Date _____
Approved by _____ Date _____
Approved by _____ Date _____
- C. Lesson Plan Approved by OSDT _____ Date _____

Appendix A

STATE FORMS

Form No.	Title
1	INMATE'S TRUST FUND CERTIFICATION OF BALANCE ON DEPOSIT
2	IN FORMA PAUPERIS AFFIDAVIT
3	MOTION FOR APPROPRIATE RELIEF
3F	NOTICE OF APPEAL AND APPLICATION FOR CERTIFICATE OF PROBABLE CAUSE
4	DIVORCE COMPLAINT
5	PETITION FOR WRIT OF CERTIORARI
6	MOTION AND REQUEST FOR A SPEEDY TRIAL UPON PENDING CHARGE OR FOR DISMISSAL OF DETAINER
7	MOTION FOR JAIL TIME CREDIT
8	APPLICATION FOR FURTHER REVIEW OF THE DECISION OF THE NORTH CAROLINA COURT OF APPEALS IN THIS CASE
9	PETITION FOR WRIT OF HABEAS CORPUS
10	POWER OF ATTORNEY
11	JUDGMENT OF DIVORCE
12	TRIAL RECORDS
14	DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS
16	CERTIFICATE OF SERVICE
17	VERIFICATION
18	MOTION FOR BAIL REDUCTION HEARING <i>IN FORMA PAUPERIS</i>
19	APPLICATION FOR PEREMPTORY WRIT OF MANDAMUS

20 WRIT OF HABEAS CORPUS AD
PROSEQUENDUM

FEDERAL FORMS

Form No.	Title
1F	FORM FOR USE IN APPLICATION FOR HABEAS CORPUS UNDER 28 U.S.C. §2254
4F	PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF THE UNITED STATES
13	FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. SEC. 1983 (Eastern District)
15	FORM TO BE USED IN FILING A COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983 (Charlotte Division)

EXHIBIT J

NORTH CAROLINA DEPARTMENT OF CORRECTION Division of Prisons

831 W. Morgan Street Raleigh, N. C. 27603 (919) 733-3226

JAMES B. HUNT, JR. RAE H. McNAMARA JAMES C. WOODWARD
Governor Director Secretary

February 4, 1983

MEMORANDUM

TO: Law Library Instructors
for February 7-11 Workshop

FROM: Nathaniel O. Boykin,
Librarian Consultant

SUBJECT: Inmate Participants

Below is a list of names for inmates who will be participating in the Law Library Workshop at Central Prison on February 7 through 11, 1983:

Claude Boone	Richard Sawyer
Joand Barnette	William Hunter
Joseph Caulfield	Charles Sanders
Dean Teith Joyner	William Hyatt
Pernell Ham	Ronnie Williams
Robert Edward Coake	Randall Shank
Clinton Long	Richard Cabey
Horace Beach	Henry Lionel Myers
Earnest Eugene Leviner	James William Rupard
Gregory Smith	Dharlene Moore
Michael Lockart	Graham Smith
Brady Lotharp	

NOB/md
cc: Files

total 23

EXHIBIT K
NORTH CAROLINA DEPARTMENT OF CORRECTION
Division of Prisons

831 W. Morgan Street Raleigh, N. C. 27603 (919) 733-3226

JAMES B. HUNT, JR. RAE H. McNAMARA JAMES C. WOODWARD
Governor Director Secretary

July 14, 1983

MEMORANDUM

TO: Law Library Instructors
for July 18-22 Workshop

FROM: Nathaniel O. Boykin,
Librarian Consultant

SUBJECT: Inmate Participants

Below are the names of inmates who will be participating in the Law Library Workshop at Central Prison on July 18 through 22, 1983:

- | | |
|------------------------|-------------------------|
| 1. Bailey, Ronald Dean | 13. Jackson, Marion Lee |
| 2. Bert, James | 14. Jones, James C. |
| 3. Black, Howard | 15. Stevens, Byrum |
| 4. Buck, Joseph | 16. Manuel, David |
| 5. Camp, Donnie G. | 17. McCurry, Jeffrey |
| 6. Clack, Rodney | 18. Owens, Namon |
| 7. Clark, Whalen | 19. Simmons, Steve |
| 8. Coggins, Benjamin | 20. Williams, Winston |
| 9. Tillman, Charles | 21. Worth, Philip |
| 10. Dillard, Calvin | 22. Wright, Charlene |
| 11. Gore, Marshall | 23. Shank, Randall E. |
| 12. Hawcock, Donnie | |

NOB/md
cc: Files

I certainly appreciate your help.

EXHIBIT L

NORTH CAROLINA DEPARTMENT OF CORRECTION Division of Prisons

831 W. Morgan Street Raleigh, N. C. 27603 (919) 733-3226

JAMES B. HUNT, JR. RAE H. McNAMARA JAMES C. WOODWARD
Governor Director Secretary

April 26, 1984

MEMORANDUM

TO: Law Library Instructors
for April 30-May 4, 1984 Workshop

FROM: Nathaniel O. Boykin,
Librarian Consultant

SUBJECT: Inmate Participants

Below are the names of inmates who will be participating in the Law Library Workshop at Central Prison on April 30-May 4, 1984.

- | | |
|----------------------|-------------------------|
| 1. Ange, Leon | 15. Johnson, Virgil |
| 2. Blair, John | 16. Jones, Dean Teith |
| 3. Brown, Faye | 17. Jones, James C. |
| 4. Camp, Donnie | 18. Kornegay, Dennis |
| 5. Chaney, Toney | 19. Lotharp, Brady |
| 6. Crisp, Lonnie | 20. Love, Thomas |
| 7. Dellart, Jerry M. | 21. Manual, David |
| 8. Downard, William | 22. Matherly, David |
| 9. Harris, Tommie | 23. McQueen, Roger |
| 10. Hunt, Danny | 24. *Pernell, James Ham |
| 11. Hunter, William | 25. Potts, Marcus Gray |
| 12. Jarrette, Henry | 26. Pritchard, Melvin |
| 13. Johnson, Amos | 27. Sampson, Tony |

14. Johnson, Timothy

28. Wallace, Steven

29. *Moore, Dharlene

I certainly appreciate your help

NOB/md

cc: Files

EXHIBIT M

NORTH CAROLINA DEPARTMENT OF CORRECTION Division of Prisons

831 W. Morgan Street Raleigh, N. C. 27603 (919) 733-3226

JAMES B. HUNT, JR. RAE H. McNAMARA JAMES C. WOODWARD
Governor Director Secretary

September 14, 1984

MEMORANDUM

TO: Law Library Instructors
for Law Library Workshop, September 17-21,
1984

FROM: Nathaniel O. Boykin,
Librarian Consultant

RE: Inmate Participants

Below are the names of inmates who will be participating in the Law Library Workshop at Central Prison on September 17-21, 1984.

- | | |
|-------------------------|-------------------------|
| 1. David L. Spicer | 11. Donald Money |
| 2. Henry Little | 12. Kenneth Lamm |
| 3. George Elvis | 13. Charles Stanley |
| 4. Mark A. Shore | 14. James Jones |
| 5. Eric Robins | 15. Jeffery McCurry |
| 6. Michael W. Jones | 16. Robert Adams |
| 7. Eugene Hickman | 17. Charles D. Lattaker |
| 8. Terry Franklin Cooke | 18. Marlin J. Inman |
| 9. Raynard Johnson | 19. Carlos Jones |
| 10. Lee Andrew Jenkins | 20. Pearl West |
| | 21. Frank Milano |
| | 22. Howard Black |
| | 23. Cole, Stephen T |

NOB/md

cc: Files

I certainly appreciate your help.

EXHIBIT N
NORTH CAROLINA DEPARTMENT OF CORRECTION
Division of Prisons

831 W. Morgan Street Raleigh, N. C. 27603 (919) 733-3226

JAMES B. HUNT, JR. RAE H. McNAMARA JAMES C. WOODWARD
Governor Director Secretary
March 13, 1985

MEMORANDUM

TO: Law Library Instructors
 for March 11-15, 1985 Workshop

FROM: Nathaniel O. Boykin,
 Librarian Consultant

RE: Inmate Participants

Below are the names of inmates who will be participating in the Law Library Workshop at Central Prison next week (March 11-15).

- | | |
|--------------------------|---------------------------|
| 1. Allen, Isaac C. | 14. Jarrette, Henry |
| 2. Baldwin, Paul E. | 15. Lester, Michael A. |
| 3. Black, Howard | 16. Love, Thomas A. |
| 4. Cabey, Richard E. | 17. Lowrimore, Jimmy R. |
| 5. Criswell, Robert F. | 18. Moore, Dharlene F. |
| 6. De'Hart, Jerry M. | 19. Moore, Frederick |
| 7. Ekleberry, Michael J. | 20. Murchison, Linwood B. |
| 8. Evans, Anthony B. | 21. Sampson, Tony R. |
| 9. Farrington, Jack D. | 22. Scales, William D. |
| 10. Goodson, Walter S. | 23. Shank, Randall E. |
| 11. Grant, Wesley L. | 24. Shelton, Roger A. |
| 12. Herring, Benny W. | 25. West, Pearl A. |
| 13. Hyatt, William R. | 26. Williams, Ronald E. |

NOB/md I certainly appreciate your help. Thanks.

cc: Files

Mr. Stephen A. Berry

Lt. Michael J. Lamm

Mr. Tom Carroll

Mr. Rodney Benson

Office of Staff Development and Training

Title of Training LAW LIBRARY WORKSHOP Course Title Code (1-5) Begin date 2 / 7 / 83 (6-11) End date 2 / 11 / 83 (12-17)

Location C.P./Raleigh

Coordinator Nathaniel O. Boykin
Education Office ext. 7745

A-155

DO NOT WRITE IN THIS SECTION								
(1) NAME (PLEASE PRINT) (18-44)	(2) SOCIAL SECURITY NUMBER (45-53)	(3) OBJECTIVE CODE (54-57)	(4) CEU (55-60)	(5) HRS (61-64)	(6) FIRE (64-66)	(7) EXPENSE (67-74)	DATE VOUCHER PROCESSED	COMMENTS
1 Norma Blackard	239-72-6216							
2 Betty Gholston	244-64-9210							
3 Clarence Cartwright	225-60-7129							
4 Ray Ferris	292-12-6002							
5 Percy Underdue	217-40-2808							
6 Maurice Baker	244-26-8871							
7 Joe Jacobs	242-62-3090							
8 John Blalock	242-91-6334							
9 Curtis Martin	180-16-9551							
10 Helen Blakeley	243-54-3645							
11 Judy Mills	240-62-2838							
12 Henry Totten	237-84-0186							
13 James Davis	242-84-6318							
14 George Maynard	250-88-6092							
15 R. O. Campen	241-56-0884							
16 Victor Dry	246-38-7320							
17 William A. Rogers	245-54-9585							
18 Hattie E. Butler	086-24-3022							
19 Sam J. Haithcock	237-44-3563							

EXHIBIT P

NORTH CAROLINA DEPARTMENT OF CORRECTION Division of Prisons

831 W. Morgan Street Raleigh, N. C. 27603 (919) 733-3226

JAMES B. HUNT, JR. RAE H. McNAMARA JAMES C. WOODWARD
Governor Director Secretary

July 13, 1983

MEMORANDUM

TO: Law Library Instructors
for July 18-22 Workshop

FROM: Nathaniel O. Boykin,
Librarian Consultant

SUBJECT: Personnel Participants

Below are the names of personnel who will be participating in the Law Library Workshop at Central Prison on July 18-22, 1983.

- | | |
|---------------------------|------------------------|
| 1. Barrington, Judy | 13. Johnson, Tommy |
| 2. Bradsher, Newman T. | 14. Lowe, Hugh |
| 3. Butler, Hattie | 15. Moretz, Steve |
| 4. Cooper, Bobby R. | 16. Overman, Joseph E. |
| 5. Davis, Lewis | 17. Owens, Charlie |
| 6. Daye, Joan | 18. Perry, Angela |
| 7. Griswell, Ronald | 19. Perkins, Larry |
| 8. Hernandez, Efrin Frank | 20. Rinehart, Terry |
| 9. Hobbs, Billy | 21. Teele, Larry |
| 10. Holloway, James | 22. Thomas, Luther |
| 11. Hudson, Marshall A. | 23. Weeks, Jackie L. |
| 12. Hughes, Danny | 24. Gay, Worth |

NOB/md I certainly appreciate your help.
cc: Files

EXHIBIT Q
NORTH CAROLINA DEPARTMENT OF CORRECTION
Division of Prisons

831 W. Morgan Street Raleigh, N. C. 27603 (919) 733-3226

JAMES B. HUNT, JR. RAE H. McNAMARA JAMES C. WOODWARD
Governor Director Secretary

April 26, 1984

MEMORANDUM

TO: Law Library Instructors
for April 30-May 4, 1984 Workshop

FROM: Nathaniel O. Boykin,
Librarian Consultant

SUBJECT: Personnel Participants

Below are the names of personnel who will be participating in the Law Library Workshop at Central Prison on April 30-May 4, 1984.

- | | |
|-------------------------|------------------------|
| 1. Blalock, J. E. | 14. Jacobs, Joe |
| 2. Bradsher, Newman T. | 15. Lamm, Michael J. |
| 3. Butler, Hattie | 16. Park, Keith |
| 4. Cartwright, Clarence | 17. Peele, Larry |
| 5. Cotten, Mike | 18. Perry, Angela |
| 6. Douglas, Leroy | 19. Rogers, William A. |
| 7. Dry, William | 20. Smyder, John |
| 8. Durham, Daniel | 21. Thomas, Luther |
| 9. East, Randy | 22. West, Ronald C. |
| 10. Graham, Carolina | 23. Yaccarine, Anthony |
| 11. Haithcock, Sam | 24. Nathaniel Boykin |
| 12. Heavner, Phillip | |
| 13. Hughes, Danny | |

NOB/md I certainly appreciate your help.
cc: Files

EXHIBIT R
NORTH CAROLINA DEPARTMENT OF CORRECTION
Division of Prisons

831 W. Morgan Street Raleigh, N. C. 27603 (919) 733-3226

JAMES B. HUNT, JR. RAE H. McNAMARA JAMES C. WOODWARD
Governor Director Secretary

September 14, 1984

MEMORANDUM

TO: Law Library Instructors
for Law Library Workshop, September 17-21,
1984

FROM: Nathaniel O. Boykin,
Librarian Consultant

RE: Personnel Participants

Below are the names of personnel who will be participating in the Law Library Workshop at Central Prison on September 17-21, 1984.

- | | |
|-----------------------|----------------------|
| 1. Eugene C. Clary | 12. Mary Lou Voliva |
| 2. Ronald Griswell | 13. Michael McIntyre |
| 3. Joe Jacobs | 14. Kenneth Banks |
| 4. Earlene H. Terrell | 15. Norman Bradsher |
| 5. Maurice R. Baker | 16. Worth B. Gay |
| 6. Frances Turner | 17. Glenn Check |
| 7. John Neal Vaughan | 18. Hattie Butler |
| 8. Debbie Williams | 19. Bill Bradshaw |
| 9. Charlie B. Andrews | |
| 10. Patrick Childress | |
| 11. Fred Horton | |

NOB/md I certainly appreciate your help.
cc: Files

EXHIBIT S

NORTH CAROLINA DEPARTMENT OF CORRECTION Division of Prisons

831 W. Morgan Street Raleigh, N. C. 27603 (919) 733-3226

JAMES B. HUNT, JR. RAE H. McNAMARA JAMES C. WOODWARD
Governor Director Secretary

March 13, 1985

TO: Law Library Instructors
for March 11-15, 1985 Workshop

FROM: Nathaniel O. Boykin,
Librarian Consultant

RE: Employee Participants

Below are the names of employees who will be participating in the Law Library Workshop at Central Prison next week (March 11-15).

- | | |
|----------------------------|---------------------------|
| 1. Bennett, Connie W. | 13. Jacobs, Joe |
| 2. Boykin, Nathaniel O. | 14. Knight, Joyce A. |
| 3. Bradsher, Newman T. | 15. Manning, Jr. Ervin A. |
| 4. Butler, Hattie E. | 16. McCracken, Anne M. |
| 5. Capps, Ronnie E. | 17. McLain, Clifford D. |
| 6. Cook, James W. | 18. Moody, James R. |
| 7. Cotten, Michael L. | 19. Patterson, Walter G. |
| 8. Dry, Victor J. | 20. Reddick, Errol D. |
| 9. Ellicott, Clifton H. | 21. Talbert, Ardis, W. |
| 10. Gay, Jr., Worth B. | 22. West, Ronald C. |
| 11. Haithcock, Jr., Sam J. | 23. Voliva, Mary Lou |
| 12. Heavner, Phillip M. | |

NOB/md I certainly appreciate your help. Thanks.

cc: Jennie Lancaster

Faye Lassister

Files

EXHIBIT T

STATE OF NORTH CAROLINA DEPARTMENT OF CORRECTIONS DIVISION OF PRISONS

POLICIES—PROCEDURES

ACCESS TO THE COURTS

5 NCAC 2G COURT RELATED PROCEDURES .0200

.0201 GENERAL

It is the policy of the Division of Prisons that every inmate will be allowed reasonable access to the courts. Inmates will not be penalized due to allegations against the Department or its employees presented in petitions and complaints.

History Note: Statutory Authority G.S. 148-11;
Effective February 1, 1976.

.0202 ACCESS PROCEDURE

(a) Access to Supplies. Inmates will be provided with paper and writing implements to petition the courts for review of their cases or to file complaints concerning any matter. All inmates will be provided free of charge with the number of copies of the petition, the complaint, and exhibits required by the Court, plus one copy of the complaint, petition, and exhibits for retention by the inmate. No additional photocopying will be furnished.

(b) Notification Upon Service of Process. When a petition filed in federal court is actually served, copies will be provided for the office of the Secretary of Correction. Otherwise, no more copies of petitions or complaints will be filed. No copies of any petition or complaint may be retained in the unit jacket.

(c) Access to Legal Text. It is the policy of the Division of Prisons that all inmates in the State's prison system shall have reasonable access to legal materials and or a law library. Those inmates who are in segregated status and pose a threat to the library facility or its staff shall be provided legal materials upon request and/or other assistance as appropriate.

All other inmates are eligible for and must be provided reasonable access to legal materials and a law library in accordance with the provisions of this policy.

(d) Access to Assistance in Preparing for Litigation. Inmates must be allowed to assist other inmates in preparation of legal documents. The time, place and manner of such assistance are all subject to limitations due to custodial considerations, but no inmate may be denied reasonable access to assistance at the unit to which he is assigned. Inmates' assistants will be allowed to work on legal matters during weekends and evenings when security considerations permit. Inmate assistants will not be permitted to accept any compensation from other inmates for their work.

(e) Attorneys will be able to visit inmates consistent with Departmental policy. They must present proper credentials, and must be retained to represent the inmate in a matter pending or that may be pending before the court. The matter of fee for services rendered is a matter to be settled by the attorney and his inmate client.

(f) Notary publics will be made available to notarize legal papers at reasonable times.

(g) When an inmate appears in any court proceeding, either as a witness or party, he must wear civilian clothes. Discharge clothes will be provided for this purpose. An inmate may not wear matching grey, green, white, or brown shirt and pants, nor any prison-issued clothing to a court proceeding.

Note: This policy is mandated by N. C. General Statute 15-176. Failure to comply with the statute is a misdemeanor, punishable by fine, by imprisonment for a term not exceeding two years, or both.

History Note: Statutory Authority G.S. 148-11; 15-176;
Eff. February 1, 1976;
Amended Eff. January 1, 1985; June 1, 1984;
June 16, 1978.

**.0203 ACCESS TO LEGAL MATERIALS AND LAW
LIBRARIES**

(a) Schedules for Law Library Use and Transfers.

(1) In order to coordinate the movement of the several thousand potential library users, and in order to insure that every inmate has a fair share of time in a law library, an inmate who wants to use a law library must make an appointment by using the DC-223.

(2) Since every unit in the State's prison system does not have a law library, it will be necessary to transfer inmates housed at a unit without such a facility to a unit with a law library. As long as bed space is available, transfers will be provided to all eligible inmates with due regard to present custody status or housing assignment.

(3) Area Administrators and Institution Heads shall coordinate the transfers and appointments. The coordination responsibility may be delegated to the Superintendent of the unit housing the law library.

(b) Inmate Requests.

(1) Inmates may request a photocopy of specified legal materials or request the use of the law library. The request for photocopy of legal materials or for use of the law library shall be made on the DC-223 and forwarded to the inmate's Superintendent. An inmate with permission to use the law library shall not be provided with photocopies of legal materials.

(2) If a determination has not been made that the inmate poses a threat to the library or its staff and if the inmate requests photocopies of a large volume of legal materials, the Superintendent may process such request as a request for law library use. The Superintendent will notify the inmate of this

decision on the DC-223. If it has been determined that the inmate poses a threat to the law library or its staff the Superintendent may contact the Senior Administrative Assistant to discuss the request.

(3) The approved DC-223 shall be immediately forwarded to the Superintendent of the unit containing the appropriate law library.

(4) Upon receipt of the DC-223, a request for photocopy of legal materials shall be filled. A request for law library use shall be placed on the priority list and the requesting inmate notified by mail of the date of his appointment.

(c) Priority List. The priority list shall be divided into two categories. "Category I" is to be composed of those inmates who must complete their legal work before a specified date as required by law. "Category II" is to include all other inmates requests.

(1) Category I.

(A) All inmates in Category I are to be given law library privileges before any inmates in Category II. Inmates will receive priority within the category according to the date and time their request was approved by the Superintendent.

(B) In order to insure that only those inmates with a genuine need are placed in Category I, the following procedures apply:

(i) The requesting inmate must complete the portion of the DC-223 labelled "Legal Deadlines."

(ii) The Superintendent shall require proof of the deadline. Any questions regarding the authorization of a request may be referred by the Superintendent to the Senior Administrative Assistant to the Secretary.

(iii) If the Superintendent is satisfied that the request should be classified as Category I, he shall approve and forward the DC-223.

(iv) If the Superintendent is not satisfied that a deadline exists, he shall set forth his reasons on the DC-223 and forward the request to be classified as a Category II

request.

(C) All inmates are to be informed that they may request an extension of time from the appropriate court if they are not able to use the law library immediately. Inmates are encouraged to avoid unnecessary delay in making law library requests.

(2) Category II. All inmates not in Category I shall be placed in Category II. Inmates will receive priority within the category according to the date and time the request was received by the Superintendent of the unit with the law library.

(d) Inmates Assigned to Disciplinary Segregation.

(1) Inmates assigned to Disciplinary Segregation shall be permitted to use the law library. Inmates transferred while on disciplinary segregation shall not receive segregation credit for days spent out of their cells for library purposes.

(2) After proper notice and hearing, an inmate who poses a threat of harm to the staff, or the law library facility can be denied permission for law library research while assigned to disciplinary segregation. Advance written notice on form DC-138 shall be given to an inmate if the question of restricted law library use is to be considered by the disciplinary committee. The notice shall advise the inmate that the disciplinary committee will hear evidence and make a recommendation to the Area Administrator, Institution Head, or their respective designees as to whether the inmate poses such a threat of harm as to require that he should not be released from segregation. Such notice must reasonably inform the inmate of the reasons why he poses a threat of harm to the law library or its staff. At the hearing, the inmate shall be confronted with any relevant information tending to indicate that he is a danger to the library or its staff. He shall be given an opportunity to present relevant evidence, including statements from witnesses, and to refute the information against him. A record of the proceedings shall be maintained on form DC-138(c). The committee's recommendation shall be forwarded to the Area Administrator, Institution Head or their respective designees. The decision of the Area Administrator, Institution Head or designee must be based upon the record of

the hearing.

(e) Inmates Presently on or Being Reviewed for Administrative Segregation or Maximum Custody.

(1) The determination of whether an inmate presently on or pending review for administrative segregation or maximum custody poses a threat to the library facility or its staff shall be made by the classification authority which reviews the inmate for consideration for administrative segregation or maximum custody after proper notice and hearing. The classification authority shall determine whether the inmate poses such a threat as to require that he not be released from segregation. The inmate shall be entitled to at least twenty-four hours written notice prior to the meeting with the classification authority. The written notice must reasonably inform the inmate of the reasons why he is considered a threat to the library or its staff. At the hearing, the inmate shall be confronted with any relevant information tending to indicate that he is a danger to the law library or its staff. He shall be given an opportunity to present relevant evidence, including statements from witnesses, and to refute the information against him. A determination that an inmate poses a threat to the law library or its staff shall result in the inmate being denied personal access to the law library for a period of six months or until his custody status is reviewed by another classification authority, whichever period is less. Each determination shall be for not longer than a period of six months. At the expiration of this period, a redetermination must be made if the inmate is continued to be barred from the use of the law library. The designees shall notify the inmate of the denial and shall formulate an alternative to library use which may include, but is not limited to, supplying copies of specified legal materials or allowing assistance from inmate librarians.

(2) Those inmates who are on administrative segregation or maximum custody on the effective date of this policy shall be allowed access to the law library unless a determination is made that they pose a threat to the library facility or its staff. Such determination shall be made by the Area Administrator, Institution Head or their respective designees, after proper notice and hearing. The notice and hearing provisions set

forth in .0203(e)(1) shall apply.

History Note: Statutory Authority G.S. 148-11;
Effective June 16, 1978;
Amended Eff. March 1, 1985.

.0204 LAW LIBRARY OPERATION

(a) The law library should be open forty hours per week to ensure reasonable access to the inmate population.

(b) Where inmates are assigned special work details, special library hours may be designated from 1 P.M. to 9 P.M. provided adequate security is made available for the operation of the law library.

(c) Only those inmates who have specifically been approved for the use of the law library will be allowed to use the facility. Except where specifically approved by the unit Superintendent or his designee, not more than five inmates shall be in the law library at any one time.

(d) An inmate's appointment shall be limited to four hours on any one day unless:

(1) No other inmate is scheduled to use the library, or

(2) The inmate's request is classified in category I of the priority list.

(e) Inmate appointments may be spread over several days as required to fulfill a law library request and the days need not be consecutive. However, if the inmate's request is in Category I of the priority list and if the timing is such that the inmate cannot complete his work in one day, he shall be allowed to spend consecutive days in the library.

(f) The unit Superintendent shall designate an inmate librarian and, if possible, an additional inmate law librarian to serve as a backup.

(g) A correctional officer shall always be designated to observe the operation of the law library and maintain custody of those inmates present in the library. If the officer observes that an inmate is not using the library for legal work or if he

observes the inmate otherwise violating Division regulations, he shall order the inmate to leave the law library. The officer's observations and the order shall be properly documented.

History Note: Statutory Authority G.S. 148-11;
Effective June 16, 1978.

.0205 LAW LIBRARY PROCEDURES

(a) All inmates using the law library shall sign a log book. The log shall include the inmates signature, the date and time of entry into the library, and the date and time of leaving the library.

(b) An index file of all titles available in the library shall be maintained in a card file. The card file will consist of two parts:

(1) The first part is a title card listing the name of the publication and the number of volumes in the set; for example, Federal Reporter, Volumes 270-455. The last number may be written in pencil and changed periodically as new volumes are added.

(2) The second part of the title card will be a plain check-out card with the volume number, the name of the inmate who has checked out the publication and the date it was checked out. The card will always be filed behind the title card. As a publication is checked out by consecutive inmates, their names will be added to the card. Additional check-out cards may be added as necessary and the used cards retained in a separate file.

(c) The card file of title and the plain check-out card is essential to the security of the law library. As each title is returned to the inmate librarian, it shall be checked for damage or vandalism. Only after this check has taken place will the inmate's name be checked off the title card and the book returned to the shelf.

(d) Legal dictionaries and other reference materials so classified shall not be checked out. Their utilization will be controlled by the inmate law librarian who will be responsible

for their maintenance.

(e) A complete inventory shall be conducted at least once per month and more often if the need develops. Any shortages or vandalized titles shall be reported to the Head Librarian of the Department of Correction.

History Note: Statutory Authority G.S. 148-11;
Effective June 16, 1978.

APPENDIX T

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

ROBERT (BOBBY) SMITH,)
et al.,)
Plaintiffs)

VS.)

NO. 3052 CIVIL
RALEIGH DIVISION

VERNON LEE BOUNDS,)
et al.,)
Defendants)

DONALD W. MORGAN, et)
al.,)
Plaintiffs)

VS.)

NO. 4277 CIVIL
RALEIGH DIVISION

R.L. TURNER,)
Defendant)

JOHN HARRINGTON, et)
al.,)
Plaintiffs)

VS.)

NO. 790
WASHINGTON DIVISION

JAMES HOLSHOUSER, et)
al.,)
Defendants)

I, JERRY M. PRICE, being first duly sworn, do hereby depose and say:

That I am employed by the North Carolina Department of Correction, as Chief of Educational Services. I have served in that capacity for the past ten years. Prior to becoming Chief of Educational Services I was a principal for two years with the North Carolina Department of Correction and a teacher for seven years. I hold a masters degree in Public Administration and Education.

My responsibilities in my current job involve those of providing leadership and supervision of educational programs in 87 prison units and half-way houses throughout North Carolina. These responsibilities include the supervision and administration of all the core and full law libraries.

Supervision and administration of the law libraries are accomplished by providing staff and selected inmates that work in the libraries with training on how to effectively use the legal materials. This is done in order to prepare them to assist other inmates in the understanding and preparation of writs and other legal documents.

Since February, 1983, the Division of Prisons has conducted five law library workshops for inmates and correctional personnel who work in the law libraries. The workshops are set up on a contractual basis with Durham Technical Institute, who provides the instruction at a Division of Prisons facility. All training of staff and inmates is provided by attorneys who have contractual arrangements with Durham Technical Institute in Durham, North Carolina. Copies of the contracts executed by the Department of Correction and Durham Technical Institute for the five law library workshops conducted from February, 1983 through March, 1985, are attached to this affidavit, marked Exhibits U through Y inclusive, and included as a part hereof.

Originally, the Department of Correction had planned a law library workshop to be conducted by Durham Technical Institute in November, 1982. I received a letter in October, 1982 from E. C. Gillie, Director of Adult and Continuing

Education at Durham Technical Institute confirming that Durham Technical Institute would carry out the planned workshop. A Copy of this letter is attached to this affidavit, marked Exhibit Z and included as a part hereof. Subsequently, Mr. Gillie informed me that the lead facilitator for the workshop was unable to conduct the workshop due to a serious illness of a family member. Therefore, Mr. Gillie stated that the workshop would have to be postponed. A letter written to me by Mr. Gillie explaining this delay is attached to this affidavit, marked Exhibit AA and included as a part hereof.

Attached to this affidavit are copies of the Law Library Quarterly Statistics Reports maintained by the officers in charge of the law libraries. These reports are marked Exhibits BB through VV and included as a part hereof. I have reviewed these reports which show that every law library is staffed by at least one inmate clerk who has attended one or more Department of Correction sponsored law library workshops. The Division of Prisons attempts to select inmates who are expected to spend at least two years prior to release from prison or transfer to another unit. This enables the inmate to gain familiarity and expertise in using the law library materials.

I am aware that this Court has concluded that "inmates in North Carolina's prisons are not receiving adequate physical access to the prison law libraries to meet their legitimate research needs." However, the records kept and maintained by officers who are in charge of the law libraries in the state prison system show that inmates are receiving access to the law libraries. Attached to this affidavit are copies of the Cumulative Law Library Statistics reports kept and maintained by the officers who are in charge of the law libraries. The cumulative law library statistic reports for 1984 are marked Exhibits WW through SSS inclusive and included as a part hereof. Also attached to this affidavit are the Cumulative Law Library Statistics reports for the year 1985, kept and maintained by officers working in the law libraries.

The 1985 reports are marked Exhibits TTT through PPPP inclusive, and included as a part hereof. On the second page of each such report, a figure is noted showing the total of all inmates using the law library. This data is summarized in a chart below:

PRISON UNIT	TOTAL INMATES USING LAW LIBRARY—1984	TOTAL INMATES USING LAW LIBRARY 1/85 TO 4/85
Blanch	251	86
Caledonia	1466	511
Central Prison		
Main Law Library	2022	722
Central Prison Maximum		
Security Law Library	719	276
Craggy	394	217
Franklin	714	214
Harnett	374	123
Southern	1360	448
Mecklenburg	1126	365
N.C. Correctional Center		
for Women	223	77
Piedmont	1170	470
Eastern	946	544
Alamance	52	32
Cameron-Morrison		
Youth Center	169	62
Currituck	417	135
Martin	59	33
Odom	2599	1195
Polk	103	45
Robeson	682	62
Warren	136	72
Watauga	103	67
Western	40	26

In addition, I am aware that this Court has stated that the Division of Prisons' policy does not permit indigent inmates free copies of "other required filings, such as affidavits or memoranda." In response to this statement, records concerning photocopying provided by the prison law libraries are attached to this affidavit, marked Exhibits QQQQ through GGGGG inclusive, and included as a part hereof. These records are maintained by officers who work in the law libraries. A few of the law libraries have not maintained a photocopy log, even though free photocopies of legal papers are provided to inmates upon request. For example, at the Warren County Unit, the law librarian simply notes on the DC-223, request for photocopies form, that the inmate was given the copies he requested. One law library provides copies of the needed legal papers to inmates by using carbon paper. See the affidavit of Maurice Baker, Law Librarian at Polk Youth Center. The logs that are attached reveal that inmates have received copies free of charge of affidavits, transcripts, motions, legal forms, orders, divorce papers, memoranda, and exhibits. For example, see the photocopy log maintained by the law librarian at Central Prison, marked Exhibit SSSS. The photocopy log maintained by an officer at Harnett Youth Center shows that inmates received free copies of foreclosure papers, bank statements, an affidavit, 1983 civil rights case, an order, and exhibits. See Exhibit UUUU.

This the 12 day of June, 1985.

/S/Jerry M. Price
Affiant

Sworn to and subscribed before me
this the 12 day of June, 1985.

/S/Lillie M. Grissom
Notary Public
Commission Expires 9-25-88

EXHIBIT U
STATE OF NORTH CAROLINA
DEPARTMENT OF CORRECTION

840 West Morgan Street

Raleigh 27603

CONTRACT FOR PROFESSIONAL SERVICES

This contract is hereby executed between the Division of Prisons, party of the first part, and Durham Technical Institute, party of the second part, a state-supported educational institution of the state of North Carolina. The purpose of this contract is to provide the terms and conditions under which the College will provide law library workshops for inmates, correctional officers, and librarians.

WITNESSETH:

That for the purpose and subject to the terms and conditions hereinafter set forth, the Division of Prisons hereby contracts with the party of the second part; and said party of the second part accepts such contract;

The purpose, terms, and conditions of the contract are as follows:

(a) Provide three law library workshops at a prison unit designated by the Department of Correction. Workshops will be conducted at intervals of four months beginning February 7, 1983.

(b) The Department of Correction will provide forty-eight (48) inmates and twenty-four (24) employees for each of the workshops, totaling seventy-two (72) per quarter. Exceptions will be made when no attrition has taken place between training intervals.

(c) No tuition or fees will be charged for inmates participating in the workshops.

(d) The Community College will provide instructors to teach the content of the attached curriculum which is subject to modification.

(e) The Department of Correction will provide books and instructional supplies.

(f) The parties to this agreement understand that in the educational process many unforeseen events can occur. Due to this fact, the parties to this agreement undertake to cooperate and consult with each other when developments so demand.

(g) Either party to this agreement may withdraw from said agreement at any time upon written notice to the opposite party, but it is provided that the contract shall nevertheless remain in force as affecting any student in the program until the student shall have completed his course of instruction.

(h) As full compensation for services, the party of the second part is to receive from the party of the first part, the sum of \$782.88* to be paid in a lump sum at the conclusion of each workshop, payable upon receipt of an invoice.

*This sum represents—\$640.00—Instructional Costs (40%)

42.88—Employer Share of Social
Security

100.00—Supplies and Materials

Party of the First Part:

Division of Prisons

J. M. Price,

Chief of Educational Services

By: /S/ Date 2/4/83

Lynn C. Phillips,

Assistant Director of Prisons
Programs

By: /S/ Date 2/4/83

Ms. Rae H. McNamara, Director
Division of Prisons

Party of the Second Part:

/S/

President,

By: /S/ Date 2/8/83

Thomas S. Ryon, Jr., Asst. Secretary
for Fiscal Affairs

By: /S/ Date 5/18/83

EXHIBIT V

STATE OF NORTH CAROLINA DEPARTMENT OF CORRECTION

840 West Morgan Street Raleigh, North Carolina 27603

CONTRACT FOR PROFESSIONAL SERVICES

This contract is hereby executed between the Division of Prisons, party of the first part, and Durham Technical Institute, party of the second part, and state-supported educational institution of the state of North Carolina. The purpose of this contract is to provide the terms and conditions under which the College will provide a law library workshop for inmates, correctional officers, and librarians.

WITNESSETH:

That for the purpose and subject to the terms and conditions hereinafter set forth, the Division of Prisons hereby contracts with the party of the second part; and said party of the second part accepts such contract;

The purpose, terms, and conditions of the contract are as follows:

(a) Provide one law library workshop at Central Prison sponsored by the Department of Correction. The workshop will be conducted for one week (40 hours) beginning July 18 thru 22, 1983.

(b) The Department of Correction will provide twenty-two (22) inmates and twenty-four (24) employees for the workshop, totaling forty-five

(c) No tuition or fees will be charged for inmates participating in the workshop.

(d) The Community College will provide instructors to teach the content of the attached curriculum which is subject to modification.

(e) The Department of Correction will provide books and instructional supplies.

(f) The parties to this agreement understand that in the educational process many unforeseen events can occur. Due to this fact, the parties to this agreement undertake to cooperate and consult with each other when developments so demand.

(g) Either party to this agreement may withdraw from said agreement at any time upon written notice to the opposite party, but it is provided that the contract shall nevertheless remain in force as affecting any student in the program until the student shall have completed his course of instruction.

(h) As full compensation for services, the party of the second part is to receive from the party of the first part, the sum of \$782.88* to be paid in a lump sum at the conclusion of the workshop, payable upon receipt of an invoice.

This sum represents— \$640.00—Instructional (40%)
 42.88—Employer Share of Social
 Security
 100.00—Supplies and Materials

Party of the First Part:	Party of the Second Part:
Division of Prisons	/S/ Date 7/1/83
J. M. Price,	President
Chief of Educational Services	

By: /S/ Date 7/1/83
 Lynn C. Phillips,
 Assistant Director of Prisons
 Programs

By: /S/ Date 7/6/83
 Ms. Rae H. McNamara, Director
 Division of Prisons

By: /S/ Date 7/11/83
 James Woodard, Secretary
 N. C. Department of Correction

By: /S/ Date 7/12/83

EXHIBIT W

STATE OF NORTH CAROLINA DEPARTMENT OF CORRECTION

840 West Morgan Street

Raleigh 27603

CONTRACT FOR PROFESSIONAL SERVICES

This contract is hereby executed between the Division of Prisons, party of the first part, and Durham Technical Institute, party of the second part, a state-supported educational institution of the State of North Carolina. The purpose of this contract is to provide the terms and conditions under which the college will provide a law library workshop for inmates, correctional officers, and librarians.

WITNESSETH:

That for the purpose and subject to the terms and conditions hereinafter set forth, the Division of Prisons hereby contracts with the party of the second part; and said party of the second part accepts such contract.

The purpose, terms, and conditions of the contract are as follows:

(a) Provide a law library workshop to be held at Central Prison sponsored by the Department of Correction. The workshop will be conducted for one week (40 hours) beginning April 30 through May 4, 1984.

(b) The Department of Correction will provide thirty inmates and twenty-five employees for the workshop, a total of 55.

(c) No tuition or fees will be charged for inmates participating in the workshops.

(d) The Community College will provide instructors to teach the content of the attached curriculum which is subject to modification.

By: _____ Date _____

EXHIBIT X

STATE OF NORTH CAROLINA DEPARTMENT OF CORRECTION

840 West Morgan Street

Raleigh, North Carolina 27603

CONTRACT FOR PROFESSIONAL SERVICES

This contract is hereby executed between the Division of Prisons, party of the first part, and Durham Technical Institute, party of the second part, and state-supported educational institution of the state of North Carolina. The purpose of this contract is to provide the terms and conditions under which the college will provide a law library workshop for inmates, correctional officers, and librarians.

WITNESSETH:

That for the purpose and subject to the terms and conditions hereinafter setforth, the Division of Prisons hereby contracts with the party of the second part; and said party of the second part accepts such contract;

The purpose, terms, and conditions of the contract are as follows:

(a) Provide one law library workshop at Central Prison sponsored by the Department of Correction. The workshop will be conducted for one week (40 hours) beginning September 17 through 21, 1984.

(b) The Department of Correction will provide twenty-five (25) inmates and twenty-three (23) employees for the workshop, totaling forty-eight.

(c) No tuition or fees will be charged for inmates participating in the workshop.

(d) The Community College will provide instructors to teach the content of the attached curriculum which is subject to modification.

(e) The Department of Correction will provide books and instructional supplies.

(f) The parties to this agreement understand that in the educational process many unforeseen events can occur. Due to this fact, the parties to this agreement undertake to cooperate and consult with each other when developments so demand.

(g) Either party to this agreement may withdraw from said agreement at any time upon written notice to the opposite party, but it is provided that the contract shall nevertheless remain in force as affecting any student in the program until the student shall have completed his course of instruction.

(h) As full compensation for services, the party of the second part is to receive from the party of the first part, the sum of *\$782.88 to be paid in a lump sum at the conclusion of the workshop, payable upon receipt of an invoice.

This sum represents: \$640.00—Instructional (40%)
 42.88—Employer Share of
 Social Security
 100.00—Supplies and materials
 *\$782.88

Party of the First Part:

Division of Prisons
 J. M. Price,
 Chief of Educational Services

By: /S/ Date 8/6/84

Lynn C. Phillips,
 Assistant Director of Prisons
 Programs

By: /S/ Date 8/20/84

Ms. Rae H. McNamara, Director
 Division of Prisons

By: /S/ Date 8/28/84

James Woodard, Secretary
 N.C. Department of Correction

By: /S/ Date 8/31/84

Party of the Second Part:

 /S/

President

Date 9/6/84

EXHIBIT Y

STATE OF NORTH CAROLINA DEPARTMENT OF CORRECTION

840 West Morgan Street

Raleigh, North Carolina 27603

CONTRACT FOR PROFESSIONAL SERVICES

This contract is hereby executed between the Division of Prisons, party of the first part, and Durham Technical Institute, party of the second part, and state-supported educational institute of the state of North Carolina. The purpose of this contract is to provide the terms and conditions under which the college will provide a law library workshop for inmates, correctional officers, and librarians.

WITNESSETH:

That for the purpose and subject to the terms and conditions hereinafter setforth, the Division of Prisons hereby contracts with the party of the second part; and said party of the second part accepts such contract;

The purpose, terms, and conditions of the contract are as follows:

(a) Provide one law library workshop at Central Prison sponsored by the Department of Correction. The workshop will be conducted for one week (40 hours) beginning March 11-15, 1985.

(b) The Department of Correction will provide twenty-three (23) inmates and twenty (20) employees for the workshop, totaling forty-three.

(c) No tuition or fees will be charged for inmates participating in the workshop.

(d) The Community College will provide instructors to teach the content of the attached curriculum which is subject to modification.

(e) The Department of Correction will provide books and instructional supplies.

(f) The parties to this agreement understand that in the educational process many unforeseen events can occur. Due to this fact, the parties to this agreement undertake to cooperate and consult with each other when developments so demand.

(g) Either party to this agreement may withdraw from said agreement at any time upon written notice to the opposite party, but it is provided that the contract shall nevertheless remain in force as affecting any student in the program until the student shall have completed his course of instruction.

(h) As full compensation for services, the party of the second part is to receive from the party of the first part, the sum of *\$782.88 to be paid in a lump sum at the conclusion of the workshop, payable upon receipt of an invoice.

This sum represents: \$640.00—Instructional (40%)
 42.88—Employer Share of
 Social Security
 100.00—Supplies and materials
 *\$782.88—total

Party of the First Part:

Division of Prisons
 J. M. Price,
 Chief of Educational Services

By: /S/ Date 2/11/85 By: /S/ Date 3/7/85

Lynn C. Phillips,
 Assistant Director of Prisons
 Programs

By: /S/ Date 2/12/85

Ms. Rae H. McNamara, Director
 Division of Prisons

By: /S/ Date 2/21/85

Aaron Johnson, Secretary
 N.C. Department of Correction

By: /S/ Date 3/1/85

Party of the Second Part:

Durham Technical Institute
 Dr. Phail Wynn, President

INVOICE

Date February 11, 1985

Bought from
and

Payable to: Durham Technical Institute
1637 Lawson Street (Attention: E.C. Gillie)
Durham, North Carolina 27703

Sold To: N. C. DEPARTMENT OF CORRECTION

Buyer _____
County _____ Unit No. _____
Town _____ N. C. _____ L.P.A. No. _____
Charge to Account Number _____
(Supt. must fill in)

QUANTITY	DESCRIPTION	PRICE	AMOUNT
	40% of the instructional costs of a workshop conducted in March 1985		\$640.00
	Employer share of Social Security Contribution (6.7%)		42.88
	Supplies and materials		100.00
	TOTAL		\$782.88
<p>This is to certify that no payment, in part or full, has been received for the above amount. I certify that this is true and correct.</p>			
/S/	_____		
	Vendor		

Submit in Triplicate

EXHIBIT Z

Durham Technical Institute
1637 Lawson Street, Drawer 11307
Durham, N.C. 27703

September 30, 1982

Mr. J. M. Price
Chief of Educational Services
N. C. Department of Corrections
Division of Prisons
Raleigh, N. C.

Dear Mr. Price,

Durham Technical Institute has received clearance to conduct from one to three Legal Library workshops at Central Prison in Raleigh. I will be meeting with prospective workshop facilitators in the next few days to firm plans for course content and dates. In the meantime, it appears that our first workshop will be conducted in early November 1982 and address the following topics:

- Phase I
1. How to fill out and where to send various State and Federal forms;
 2. Tracing the course of a criminal case;
 3. Legal options of the defendant;
 4. Effect of a guilty plea;
 5. Right to have plea bargain enforced;
 6. Effect of a not guilty plea;
 7. Right to an attorney;
 8. Right to have State prove its case;
 9. Right to transcript on appeal;
 10. Right to attorney in post-conviction process;
 11. Areas relevant to appeal;
 12. Appeal procedure after post-conviction process;
 13. Administrative and judicial steps needed before an inmate can get back into court;
 14. Habeas Corpus petitions;

15. Post-conviction appeals;
 16. Challenges to conditions of confinement;
 17. Distinction between motion to dismiss and motion for summary judgment;
 18. When an attorney is likely to be appointed.
- Phase II
19. The four general methods of locating cases and statutes:
 - a. Case approach
 - b. Descriptive word index and digest approach
 - c. Definition
 - d. Analytical—table of contents
 20. Various reporters (Supreme Court Reporter, Federal Reporter, and Federal Supplement) will be discussed with instructions given in how to locate cases in the different reporters.
 21. General statutes of North Carolina will be examined with the difference between annotations and the statutes themselves examined. Also, work will be done with the N. C. Reports and N. C. Appeals.
 22. Towards the conclusion of the class, legal research problems will be handed out and the class will go to the law collection to work these problems.

Sincerely,

/S/E. C. Gillie

Director

Adult and Continuing
Education

EXHIBIT AA

Durham Technical Institute

1637 Lawson Street, Durham
North Carolina
27703
(919) 596-9311

December 8, 1982

Mr. J.M. Price
Chief of Educational Services
N.C. Department of Corrections
Division of Prisons
Raleigh, N.C.

Dear Mr. Price,

On September 30, 1982, I wrote a letter to you stating that Durham Technical Institute had received clearance to conduct from one to three legal library workshops at Central Prison in Raleigh. It was my intention to offer the first workshop in November, 1982, and I planned accordingly. Unfortunately, the lead facilitator in that first workshop experienced a very serious problem in his household in mid-October when his infant child became, and continues to be, very seriously ill. For that reason, and because of the important role to be played by the lead facilitator, we have had to delay the workshop pending his availability, probably in early January, 1983.

I regret the necessity for this unforeseen delay and hope that we will be able to meet your workshop needs in the near future.

Sincerely,

/S/ E.C. Gillie
Director
Adult and Continuing Education

ECG/dmp

cc: Mr. Phillips
Mr. Ben Irons
Mr. Boykins

"Education That Works"

Durham Technical Institute is an Affirmative Action/Equal Opportunity/Section 504
Institution/M/F

EXHIBIT BB

LAW LIBRARY QUARTERLY STATISTICS REPORT—D

DATE May 9, 1985

NAME OF UNIT Blanch Prison Youth Center 3940

NAME OF RESPONDENT N. T. Bradsher

FULL LIBRARY X

Name of Inmate Paralegal(s)	Number	Education	Legal Training (date)		Other Qualifications	Date Assigned
			DOC Sponsored	Other Tr.		
Jerry Monroe DeHart	10965-41	GED	4-30 thru 5-4-84 3-10-85 thru 3-15-85 LL Workshop		Art Math Social Studies English Psychology Reading (Courses Taken)	1984 Polk 1985 Blanch
Name of Inmate Alternate(s)						
Michael John Ekleberry	10364-1A	GED	3-10-85 thru 3-15-85 LL Workshop		82 Air-Borne Paratrooper Ft. Bragg. Computer Program National Government	1985 Blanch

EXHIBIT CC

LAW LIBRARY QUARTERLY STATISTICS REPORT—D

DATE May 29, 1985

NAME OF UNIT Caledonia Correctional Institution

NAME OF RESPONDENT Daniel Durham

FULL LIBRARY XX CORE LIBRARY

Name of Inmate Paralegal(s)	Number	Education	Legal Training (date)		Other Qualifications	Reason for Selection	Date Assigned	*If no longer Assigned, state reason for change
			DOC Sponsored	Other Tr.				
Robert Adams	10654-OS	14.5 years	Sept. 1984		Typing Knowledge of Case Law	Typing Clerk in Unit Voca- tion Li- brary	May 14, 84	
Richard Cabey	21249-OS	13 Years	Feb. 83 March 84		Typing Indepen- dent Legal Studies Knowledge of Case Law	Typing Previous Law Li- brary Training at other Unit	Nov. 20, 84	

*Column eight applies only if the inmate has been reassigned, etc.

EXHIBIT DD

LAW LIBRARY QUARTERLY STATISTICS REPORT—D

DATE June 4, 1985

NAME OF UNIT Central Prison #3100

NAME OF RESPONDENT Officer Moody

FULL LIBRARY XX CORE LIBRARY

Name of Inmate Paralegal(s)	Number	Education	Legal Training (date)		Other Qualifications	Date Assigned
			DOC Sponsored	Other Tr.		
WILLIAM, Ronald SHANK, Randall E. JARRETTE, Henry	11152-OS 10258-MD 21050-OS	College College Deg. High Sch.	Feb. 1983 Feb. 1983 May 1984		Typing Typing Typing	April 1982 Dec. 1982 Nov. 1983
Name of Inmate Alternate(s)						

EXHIBIT EE

LAW LIBRARY QUARTERLY STATISTICS REPORT—D

DATE June 3, 1985

NAME OF UNIT Craggy Unit #4630

NAME OF RESPONDENT Eric Penland, Program Supervisor

FULL LIBRARY XXX CORE LIBRARY

Name of Inmate Paralegal(s)	Number	Education	Legal Training (date)		Other Qualifications	Date Assigned
			DOC Sponsored	Other Tr.		
Charles Burrell	10145-11	14	L.L. Workshop 1981		Clerk-Typist	July '82
			L.L. Workshop 1983			
			O.J.T.			
William Ray Hyatt	10643-50	14	L.L. Workshop 1980		Clerk-Typist	Nov. '84
			L.L. Workshop 1981			
			L.L. Workshop 1982			
			L.L. Workshop 1984			
			(See Below)			
Name of Inmate Alternate(s)						
			L.L. Workshop 1985 O.J.T.			

EXHIBIT FF

LAW LIBRARY QUARTERLY STATISTICS REPORT—D

DATE May 28, 1985

NAME OF UNIT Franklin County Unit #4215

NAME OF RESPONDENT Victor Dry -Law Librarian-

FULL LIBRARY (full) CORE LIBRARY

Name of Inmate Paralegal(s)	Number	Education	Legal Training (date)		Other Qualifications	Date Assigned
			DOC Sponsored	Other Tr.		
Thomas Love	20241-os	GED	Law Library Seminars	5 years exp- work in Law Lib.	Typing	Dec. 16, '83
			10/81			
			7/82			
			8/83			
Tony Chaney	10862-Va.	High School	5/84		Typing	Feb. 15 '84
			3/85			
			5-5-84	1 year		
Name of Inmate Alternate(s)						
Carlos Jones	20658-os	High School	9-17-84	1 year exp. as sub.	Typing	May 1, '84

EXHIBIT GG

LAW LIBRARY QUARTERLY STATISTICS REPORT—D

DATE May 30, 1985NAME OF UNIT Harnett Youth CenterNAME OF RESPONDENT William A. RogersFULL LIBRARY X CORE LIBRARY _____

Name of Inmate Paralegal(s)	Number	Education	Legal Training (date)		Other Qualifications	Date Assigned
			DOC Sponsored	Other Tr.		
James W. Rupard	10961-06	High School G.E.D. Various College Courses	Work Shop 2/7/83-2/11/83		OJT 14 months expe- rience at WCC Core Law Library Typing I OJT Typing I	6/7/82-8/31/83 and 10/11/83 to present
Virgil Johnson	21264-78	High School G.E.D. Various College Courses	Work Shop 4/30/84-5/4/84	You and the Law WCC		3/30/84 to 4/5/85 (Transferred)
Name of Inmate Alternate(s)						
Marlin J. Inman	10363-36	High School G.E.D. 1½ years College	Work Shop 9/17/84-9/21/84		Limited Typing	N/A
Linwood B. Murchison	20962-DC		Work Shop 2/11/85-2/15/85		Typing	N/A

Transferred
4/5/85
Returned
5/29/85

2/11/83-2/12/83

Concise

EXHIBIT HH

SOUTHERN CORRECTIONAL CENTER
TROY, NC

REPORT PREPARED BY /S/MICHAEL P. MCINTYRE
LAW LIBRARY SUP.

DATE 6/10/85

INMATE NAME WILLIAM MAX DOWNARD

EDUCATION HIGH SCHOOL GRAD. PRISON NUMBER D6892-785-1-146-KS

DOC SCHOOL PARALEGAL TRAINING COURSE

DOC SCHOOL TYPING DATE JUNE 1984

EDUCATION 2 YEARS COLLEGE AT LA VALLEY, CALIFORNIA DATE JUNE 1985

ELECTRONICS ASSOCIATE DEGREE

2 YEARS NITE COURSES AT UCLA *MATH and COMPUTER SCIENCE

ANY OTHER TRAINING OR QUALIFICATIONS NITE COURSE IN LAW AT UCLA, CALIF.

DATE ASSIGNED TO LAW LIBRARY AUGUST 1984

SOUTHERN CORRECTIONAL CENTER
TROY, NC

REPORT PREPARED BY /S/MICHAEL P. MCINTYRE
LAW LIBRARY SUP.

DATE June 9, 1985

INMATE NAME Quintis Dye, Jr.

EDUCATION Academy Heights H.S. Pinchurst, N.C., Sandhills-Electronics, Duke U. EEG-Tech-Durham

PRISON NUMBER 20748-77

DOC SCHOOL SCHEDULED FOR PARA*LEGAL SCHOOL 9/85

DOC SCHOOL DATE

EDUCATION DATE

ANY OTHER TRAINING OR QUALIFICATIONS

N.C. Machists Appe. Training—Sandhills College, Air Craft Maintenance—U.S. Air Force

DATE ASSIGNED TO LAW LIBRARY May 24, 1985

EXHIBIT II

LAW LIBRARY QUARTERLY STATISTICS REPORT—D

DATE June 5, 1985

NAME OF UNIT Mecklenburg II, Prison Unit #4535

NAME OF RESPONDENT Sam J. Haithecock, Jr.

FULL LIBRARY XX CORE LIBRARY

Name of Inmate Paralegal(s)	Number	Education	Legal Training (date)		Other Qualifications	Date Assigned
			DOC Sponsored	Other Tr.		
Charles Douglas Laffaker Note: Was Trans- ferred 5-28-85	20149-60	12	9-17-84 to 9-21-84	None	Record and his desire to work in the Law Library	9-27-84 to 5-28-85
Robert Furman Criswell Note: This is the present clerk	20928-SC	14	3-11-85 to 3-15-85	None	Record and his desire to work in the Law Library	2-25-85
Name of Inmate Alternate(s)						
Lawrence Alan Heatherly	10358-OS	09	None	None	Record and his desire to work in the Law Library	4-5-85

EXHIBIT JJ

LAW LIBRARY QUARTERLY STATISTICS REPORT—D

DATE Jan.-May 1985

NAME OF UNIT NCCCW-3200

NAME OF RESPONDENT Mrs. Joyce Knight—Law Library Supervisor

FULL LIBRARY XX CORE LIBRARY

Name of Inmate Paralegal(s)	Number	Education	Legal Training (date)		Other Qualifications	Date Assigned
			DOC Sponsored	Other Tr.		
Dharlene Francis Moore	60559-OS	14 years	5 Workshops	O.J.T.		Dec. 1979
Pearl West	70950-MID	12 years	2 Workshops	O.J.T.		Sept. 1984
Name of Inmate Alternate(s)						
None						

EXHIBIT KK

**STATE OF NORTH CAROLINA
DEPARTMENT OF CORRECTION**

Date: 6/6/85

OFFICE MEMORANDUM

TO : Nathaniel Boykin
Law Library Consultant

FROM : Keith Park
Law Library Supervisor
Piedmont Correctional Center

RE : Inmate paralegal update

Please find the information you requested from me via phone on 6-6-85. If I can be of further assistance please contact me.

Inmate Paralegal

Brady Lotharp, #21051-80, High School Education, Date assigned to Law Library—Aug. 1980

Law Library Workshops Attended

July, 1981, Nov. 1983, May 1984.

Inmate Paralegal Alt.

Frank Milano, #10951-Ca, Two Years of College Education, Assigned as Alt. Nov. 1984.

Law Library Workshops Attended

Nov. 1984

cc: File

EXHIBIT LL

LAW LIBRARY QUARTERLY STATISTICS REPORT—D

DATE May 29, 1985

NAME OF UNIT Eastern Corr. Center

NAME OF RESPONDENT Billy Hobbs

FULL LIBRARY X CORE LIBRARY

Name of Inmate Paralegal(s)	Number	Education	Legal Training (date)		Other Qualifications	Date Assigned
			DOC Sponsored	Other Tr.		
Winston F. Williams	20553-OS	College Grad	Jul. 18-22, 1984 Apr. 30-May 4, 1984	None	Typing Skills	July 1983
Roger L. McQueen	10838-OS	GED & some Coll.	Apr. 30-May 4, 1984	None	Typing Skills	Feb. 1984
Name of Inmate Alternate(s)						
Charles D. Stanley	10130-51	GED	Sept. 17-21, 1984	None	Typing Skills	Sept. 1984

EXHIBIT MM

LAW LIBRARY QUARTERLY STATISTICS REPORT—D

DATE 5-29-1985

NAME OF UNIT Alamance County #4410

NAME OF RESPONDENT Ms. Earlene H. Terrell

CULL LIBRARY CORE LIBRARY XX

Name of Inmate Paralegal(s)	Number	Education	Legal Training (date)		Other Qualifications	Date Assigned
			DOC Sponsored	Other Tr.		
Paul E. Baldwin	21257-68	High School	March 11-15, 85	None	Typing skills	April 1985
Name of Inmate Alternate(s)						

EXHIBIT NN

LAW LIBRARY QUARTERLY STATISTICS REPORT—D

DATE June 4, 1985

NAME OF UNIT Cameron Morrison Youth Center

NAME OF RESPONDENT Betty J. Gholston

FULL LIBRARY CORE LIBRARY X

A-202

Name of Inmate Paralegal(s)	Number	Education	Legal Training (date)		Other Qualifications	Date Assigned
			DOC Sponsored	Other Tr.		
Melvin D. Pritchard, Jr.	P74555381 0864SC	9th Grade-H.S. G.E.D.	Paralegal Work- shop 4/84		Office Manage- ment Training—1 yr.	11/1/83
William D. Scales	S1085785111 6334	10th Grade HS G.E.D.	Paralegal Work- shop 3/85		—	1/25/85
James R. Lowrimore, Jr.	L690138310 66453	H.S. Diploma 1 Semester of College	Paralegal Work- shop 3/85		—	5/20/85
Name of Inmate Alternate(s)						

EXHIBIT 00

LAW LIBRARY QUARTERLY STATISTICS REPORT—D

A-203

DATE 5/31/85

NAME OF UNIT Currituck #4120

NAME OF RESPONDENT Sue Adkins, Steno III

FULL LIBRARY CORE LIBRARY X

Name of Inmate Paralegal(s)	Number	Education	Legal Training (date)		Other Qualifications	Date Assigned
			DOC Sponsored	Other Tr.		
Henry Little	L4720-324- 20751-07	Completed 10th grade, however, completed GED at this Unit	Yes	Attended Work- shop in Raleigh Sept. 1984	Has served as Teacher's Aid in Vocational Building, worked in Can- teen; completed Automotive Re- pair Course and was named to Dean's list sev- eral times during completion of same.	Assigned 1/1/85 Still in this assignment.
Name of Inmate Alternate(s)						
Bennie Herring	H2751-083- 20835-31	Graduated from High School in 1954, went in Army for 4 yrs, entered college, took general courses. He at- tended RCA In- stitute in NY and received AA degree in indus- trial electronics. His experience includes elec- tronics/comput- ers	Yes	Attended work- shop in Raleigh March, 1985	His background indicates he could under- stand forms, various legal ter- minology and be able to work this position with some training, and supervision	Not assigned at this time but was selected as alternate in March, 1985

EXHIBIT PP

LAW LIBRARY QUARTERLY STATISTICS REPORT—D

DATE June 10, 1985

NAME OF UNIT	Martin County Unit

NAME OF RESPONDENT Ray Ferris

CORE LIBRARY #

(919) 792-2910

Name of Inmate Paralegal(s)	Number	Education	Legal Training (date)		Other Qualifications	Date Assigned
			DOC Sponsored	Other Tr.		
Lee Jenkins	20959-07		September 1984			April 11, 1985
Name of Inmate Alternate(s)						

EXHIBIT QQ

LAW LIBRARY QUARTERLY STATISTICS REPORT—D

DATE _____

NAME OF UNIT Odom 3310

NAME OF RESPONDENT James Cook

FULL LIBRARY _____ CORE LIBRARY XX NO FULL OR CORE _____

Name of Inmate Paralegal(s)	Number	Education	Legal Training (date)		Other Qualifications	Reason for Selection	Date Assigned
			DOC Sponsored	Other Tr.			
Clark, Whalen	21252-60	14 years	7/15/83- 7/27/83 Law Library Work- shop	Assistant to Paralegal in the State of New York	Typing Trained in High School	Request for assignment to Law Library	7-15-83
Grant, Wesley	21049-98	14½ years	3/11/85- 3/15/85 Law Library Workshop		Typing 1 year training	Grant was se- lected in case the inmate currently assigned is transferred	

EXHIBIT RR

LAW LIBRARY QUARTERLY STATISTICS REPORT—D

DATE June 6, 1985

NAME OF UNIT Polk Youth Center

NAME OF RESPONDENT Maurice Baker

FULL LIBRARY CORE LIBRARY X

Name of Inmate Paralegal(s)	Number	Education	Legal Training (date)		Other Qualifications	Date Assigned
			DOC Sponsored	Other Tr.		
Virgil Johnson	1	G.E.D.	May 4, 1984	You, I and the Law at Western Correctional Center	Sincere in the problems of oth- ers. The Harnett Law Library Clerk from March 30, 1984 to April 5, 1985.	April 11, 1985
Name of Inmate Alternates(s)						

EXHIBIT SS

LAW LIBRARY QUARTERLY STATISTICS REPORT—D

DATE May 31, 1985

NAME OF UNIT Robeson County

NAME OF RESPONDENT Joe Jacobs

FULL LIBRARY CORE LIBRARY XX

Name of Inmate Paralegal(s)	Number	Education	Legal Training (date)		Other Qualifications	Date Assigned
			DOC Sponsored	Other Tr.		
EVANS, Anthony Blanco	10258-SC	High Sch.	March 11-15, 1985 (40 hrs.)		Typing	Feb. '85
Name of Inmate Alternate(s)						
SAUNDERS, Gerald Linwood	10156-26	High Sch.	Will take the training in Sept. of '85		Typing and OJT	Dec. '84

EXHIBIT TT

LAW LIBRARY QUARTERLY STATISTICS REPORT—D

DATE June 6, 1985

NAME OF UNIT Warren County

NAME OF RESPONDENT E. A. Manning

FULL LIBRARY CORE LIBRARY #

Name of Inmate Paralegal(s)	Number	Education	Legal Training (date)		Other Qualifications	Date Assigned
			DOC Sponsored	Other Tr.		
Tony R. Sampson	20360-64	8th grade	March 11-15, 1985	None	Typing	Feb. 1985
Name of Inmate Alternate(s)						
David W. Spicer	20535-67	High school	Sept. 17-21, 1984	None	Typing	Dec. 1984

EXHIBIT UU

LAW LIBRARY QUARTERLY STATISTICS REPORT—D

DATE May 28, 1985

NAME OF UNIT Watauga County Unit

NAME OF RESPONDENT Kenneth L. Setzer

FULL LIBRARY CORE LIBRARY X

A-209

Name of Inmate Paralegal(s)	Number	Education	Legal Training (date)		Other Qualifications	Date Assigned
			DOC Sponsored	Other Tr.		
Roger Shelton	10355-41		March 1985	None	Typing	April 26, 1985
Name of Inmate Alternate(s)						

EXHIBIT VV

LAW LIBRARY QUARTERLY STATISTICS REPORT—D

NAME OF UNIT Western Correctional Center
 NAME OF RESPONDENT P. Heavner, Librarian
 FULL LIBRARY CORE LIBRARY X NO FULL OR CORE

Name of Inmate Paralegal(s)	Number	Education	Legal Training (date)		Other Qualifications	Reason for Selection	Date Assigned	*If no longer Assigned, state reason for change
			DOC Sponsored	Other Tr.				
Ronald Bailey	10365-41	GED					early 1983	Sent to PYC—1984
Mark Smith							mid 1982	Shipped out— 1983
Gerald Sanford	10264-OS	GED	None	OTJ		“Was going to be here for a while”	early 1981	better gain time—went to work in Can- teen—1982
Kenneth Lamm	10268-98	GED	Sept. 84	OTJ		Long-term availability	Oct. 84	
Isaac Allen	20766-34	GED	Mar. 85			Back-up worker	N/A	

EXHIBIT WW

CUMULATIVE LAW LIBRARY STATISTICS (UNIT) Branch Youth Center—#3140.—December, 1984

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	5	January	18
Week 2	3	February	18
Week 3	5	March	17
Week 4	0	April	22
Week 5	0	May	27
		June	21
TOTAL	13	RUNNING TOTAL FOR PREVIOUS MONTHS	
			259
b. Total for this month added to running total for previous months			272

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	3	January	11
Week 2	2	February	11
Week 3	5	March	11
Week 4	0	April	14
Week 5	0	May	17
		June	12
TOTAL	10	RUNNING TOTAL FOR PREVIOUS MONTHS	
			152
b. Total for this month added to running total for previous months			162

3. a. Title 3—North Carolina General Statutes & United States Code Annotated.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	7	January	23
Week 2	4	February	26
Week 3	7	March	24
Week 4	0	April	26
Week 5	0	May	39
		June	26
TOTAL	18	RUNNING TOTAL FOR PREVIOUS MONTHS	
			340
b. Total for this month added to running total for previous months			358

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	2	January	6
Week 2	0	February	7
Week 3	2	March	5
Week 4	0	April	6
Week 5	0	May	13
		June	6
TOTAL	4	RUNNING TOTAL FOR PREVIOUS MONTHS	
			102
			106

b. Total for this month added to running total for previous months

A-212

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	5	January	10
Week 2	4	February	5
Week 3	3	March	7
Week 4	0	April	9
Week 5	0	May	11
		June	12
TOTAL	12	RUNNING TOTAL FOR PREVIOUS MONTHS	
			133
			145

b. Total for this month added to running total for previous months

6. a. Total of all Inmates using the Law Library. (Combine item #4 & #5 above).

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	7	January	16
Week 2	4	February	12
Week 3	5	March	12
Week 4	0	April	15
Week 5	0	May	24
		June	18
TOTAL	16	RUNNING TOTAL FOR PREVIOUS MONTHS	
			235
			251

b. Total for this month added to running total for previous months

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	0	0	0	0	0	0
Habeas Corpus	1	0	0	0	0	1
Civil Rights (§1983)	0	1	4	0	0	5
Other	6	4	1	0	0	11

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	36
Habeas Corpus	6
Civil Rights (§1983)	108
Other	113

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	0	0	0	0	0	0
Category II	7	4	5	0	0	16
Photo Copies Only	3	4	5	0	0	12
Forms Only	6	4	5	0	0	15

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	0
Category II	251
Photo Copies Only	87
Forms Only	147

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	0	0	1	0	0	1
Per Cent	0	0	5	0	0	5

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number	15
Per Cent	.5225

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

AVERAGE	SHORTEST PERIOD	LONGEST PERIOD
Week 1	12.5	25
Week 2	9	16
Week 3	4	10
Week 4	0	0
Week 5	0	0
MONTHLY AVERAGE	6.3	

b. Average for this month added to running total for previous months.

January	7.9	May	5.7
February	4.5	June	6.3
March	13.0	July	9.8
April	4.0	August	8.1
YEARLY AVERAGE TO DATE	6.525	September	2.8
		October	5.8
		November	4.6
		December	6.3

1. Total hours per week the Law Library was open at this unit.

	HOURS	If open for less than 40 hrs/week, please explain.
Week 1	40	
Week 2	40	
Week 3	40	
Week 4	24	
Week 5	0	Christmas Holiday.
	36	
		WEEKLY AVERAGE (Based on a five day week)

2. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS
Week 1 5.7
Week 2 7.5
Week 3 4.9
Week 4 0
Week 5 0
4.5

MONTHLY AVERAGE

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library

AVERAGE HOURS
Week 1 6.2
Week 2 7.5
Week 3 5.4
Week 4 0
Week 5 0
4.7

MONTHLY AVERAGE

c. (CONTINUED ON NEXT PAGE)

2. c. Actual duration of appointments for this month added to average for previous months.

April	5.1583
YEARLY AVERAGE TO DATE	5.1583

A-216

NONE

 $\frac{A}{Z}$

(Signature and Title of Respondent)

EXHIBIT YY

CUMULATIVE LAW LIBRARY STATISTICS

(UNIT) Caledonia — December, 1984

DATE OF REPORT January 2, 1985

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS

Week 1	<u>24</u>
Week 2	<u>14</u>
Week 3	<u>9</u>
Week 4	<u>3</u>

MONTHLY TOTALS

January	<u>39</u>	July	<u>31</u>
February	<u>45</u>	August	<u>47</u>
March	<u>53</u>	September	<u>54</u>
April	<u>47</u>	October	<u>44</u>
May	<u>29</u>	November	<u>58</u>
June	<u>58</u>	December	<u>50</u>
RUNNING TOTAL FOR PREVIOUS MONTHS			<u>555</u>

b. Total for this month added to running total for previous months

1,733

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS

Week 1	<u>21</u>
Week 2	<u>18</u>
Week 3	<u>7</u>
Week 4	<u>4</u>

MONTHLY TOTALS

January	<u>33</u>	July	<u>39</u>
February	<u>35</u>	August	<u>86</u>
March	<u>38</u>	September	<u>74</u>
April	<u>48</u>	October	<u>53</u>
May	<u>31</u>	November	<u>68</u>
June	<u>55</u>	December	<u>50</u>
RUNNING TOTAL FOR PREVIOUS MONTHS			<u>610</u>

b. Total for this month added to running total for previous months

4,141

3. a. Title 3—North Carolina General Statutes & United States de Annotated uses.

WEEKLY TOTALS

Week 1	<u>25</u>
Week 2	<u>25</u>
Week 3	<u>17</u>
Week 4	<u>6</u>

MONTHLY TOTALS

January	<u>89</u>	July	<u>61</u>
February	<u>83</u>	August	<u>80</u>
March	<u>73</u>	September	<u>62</u>
April	<u>77</u>	October	<u>97</u>
May	<u>59</u>	November	<u>67</u>
June	<u>51</u>	December	<u>73</u>
RUNNING TOTAL FOR PREVIOUS MONTHS			<u>872</u>

b. Total for this month added to running total for previous months

6,420

Page 2

4. a. Total Inmates Assigned to Caledonia using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	26	January	123
Week 2	31	February	110
Week 3	27	March	87
Week 4	9	April	90
		May	91
		June	106
		RUNNING TOTAL FOR THIS YEAR:	
		RUNNING TOTAL FOR ALL MONTHS:	
TOTAL	93	July	92
		August	108
		September	92
		October	115
		November	95
		December	93
			1,202
			9,170

5. Total Inmates Transferred from other Units to use Law Library.

WEEKLY TOTALS Unit		MONTHLY TOTALS	
Week 1	7 Halifax — Odor	January	18
Week 2	2 Halifax — Odor	February	19
Week 3	5 Halifax — Odor	March	31
Week 4	4 Halifax — Odor	April	22
All Totals:	18 Halifax — Odor	May	17
		June	25
		RUNNING TOTALS FOR THIS YEAR:	
		RUNNING TOTALS FOR ALL MONTHS:	
		(All Months)	553
		Odor (year)	133
		Currituck	6
		Halifax	73
		Others	52
			264
			1,192
			18
			20
			24
			18
			24
			18
			264
			1,192
			133
			6
			73
			52

6. Total of All inmates using the Law Library at Caledonia

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	33	January	141
Week 2	33	February	129
Week 3	32	March	118
Week 4	13	April	112
		May	108
		June	131
		RUNNING TOTALS FOR THIS YEAR:	
		RUNNING TOTALS FOR ALL MONTHS:	
TOTAL	111	July	116
		August	136
		September	110
		October	135
		November	119
		December	111
			1,466
			10,235

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Totals
Criminal Appeal	2	0	0	1	3
Habeas Corpus	0	1	0	0	1
Civil Rights (§1983)	1	4	1	0	6
Other	7	10	2	3	22

b. Total for this month added to running total for previous months.

	TOTAL FOR YEAR	CUMULATIVE TOTALS
Criminal Appeal	182	2,173
Habeas Corpus	32	273
Civil Rights (§1983)	73	576
Other	385	2,775

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Totals
Category I	3	0	2	0	5
Category II	30	33	30	13	106
Photo Copies Only	5	9	8	5	27

b. Total for this month added to running total for previous months.

	TOTAL FOR YEAR	CUMULATIVE TOTALS
Category I	308	1,211
Category II	1,158	10,024
Photo Copies Only	345	2,483

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Totals
Number	1	5	2	0	8
Percent	2%	13%	5%	-	6%

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number 145
Per Cent 9%

CUMULATIVE TOTALS

1,429
11%

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

AVERAGE

Week 1 5 Days
Week 2 4 Days
Week 3 4 Days
Week 4 11 Days

SHORTEST PERIOD

1 Day
1 Day
1 Day
2 Days

LONGEST PERIOD

15 Days
9 Days
12 Days
21 Days

MONTHLY AVERAGE 6 Days

b. Average for this month added to running total for previous months.

January 7 Days
February 4 Days
March 7 Days
April 6 Days

May 7 Days
June 5 Days
July 8 Days
August 5 Days

September 5 Days
October 5 Days
November 6 Days
December 6 Days

YEARLY AVERAGE TO DATE 6 Days average for the year 1984.

11. Total hours per week the Law Library was open at this unit

HOURS

If open for less than 40 hrs/week, please explain

Week 1	40 Hours	
Week 2	40 Hours	
Week 3	40 Hours	
Week 4	24 Hours	Closed 3 days—Holidays (Open Thurs., Fri., Mon.)
WEEKLY AVERAGE	36 Hours	(Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Est. Time Needed in Item #2, DC Form)

AVERAGE HOURS

Week 1	3 Hours 15 Minutes
Week 2	2 Hours 25 Minutes
Week 3	2 Hours 35 Minutes
Week 4	3 Hours 5 Minutes
MONTHLY AVERAGE	2 Hours 50 Minutes

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS

Week 1	2 Hours
Week 2	1 Hour 55 Minutes
Week 3	2 Hours 5 Minutes
Week 4	2 Hours 55 Minutes
MONTHLY AVERAGE	2 Hours 15 Minutes

c. (CONTINUED ON NEXT PAGE)

12. c. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE		MONTHLY AVERAGE		MONTHLY AVERAGE	
January	2 Hours 5 Min.	May	2 Hours 15 Min.	September	2 Hours 10 Min.
February	1 Hour 45 Min.	June	2 Hours	October	2 Hours 20 Min.
March	2 Hours 50 Min.	July	2 Hours 35 Min.	November	2 Hours 25 Min.
April	1 Hour 50 Min.	August	2 Hours 20 Min.	December	2 Hours 15 Min.
YEARLY AVERAGE TO DATE 2 Hours 15 Minutes average for the year 1984:					

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VALUE
None Week #1			
None Week #2			
None Week #4			
None Week #4			
None this Month			

14. Other Comments:

/S/

(Signature and Title of Respondent)
Daniel G. Durham, Library Supervisor

EXHIBIT ZZ

CUMULATIVE LAW LIBRARY STATISTICS

Full (UN11) Central Prison #3100, December, 1984

Main Law Library

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS		MONTHLY TOTALS					
Week 1	58	January	73	July	240		
Week 2	60	February	47	August	305		
Week 3	58	March	62	September	177		
Week 4	57	April	120	October	255		
Week 5	0	May	207	November	205		
		June	189	December	233		
TOTAL	233	RUNNING TOTAL FOR PREVIOUS MONTHS					
					1,877		
b.	Total for this month added to running total for previous months				2,110		

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS		MONTHLY TOTALS					
Week 1	51	January	68	July	233		
Week 2	52	February	58	August	235		
Week 3	43	March	101	September	127		
Week 4	43	April	124	October	239		
Week 5	0	May	164	November	181		
		June	184	December	189		
TOTAL	189	RUNNING TOTAL FOR PREVIOUS MONTHS					
					1,714		
b.	Total for this month added to running total for previous months				1,903		

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS		MONTHLY TOTALS					
Week 1	58	January	140	July	263		
Week 2	62	February	126	August	285		
Week 3	56	March	117	September	166		
Week 4	58	April	140	October	293		
Week 5	0	May	197	November	228		
		June	208	December	234		
TOTAL	234	RUNNING TOTAL FOR PREVIOUS MONTHS					
					2,163		
b.	Total for this month added to running total for previous months				2,397		

Page 2

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS					MONTHLY TOTALS				
Week 1	40				January	146	July	190	
Week 2	39				February	199	August	198	
Week 3	38				March	179	September	117	
Week 4	37				April	148	October	192	
Week 5	0				May	178	November	159	
TOTAL	154				June	162	December	154	
Total for this month added to running total for previous months					RUNNING TOTAL FOR PREVIOUS MONTHS				
					1,868				
					2,022				

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	7	8	8	6	0	29
Habeas Corpus	16	15	12	14	0	57
Civil Rights (§1983)	2	1	2	3	0	8
Other	2	6	4	4	0	16

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	370
Habeas Corpus	633
Civil Rights (§1983)	213
Other	278

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	0	1	0	0	0	1
Category II	40	38	38	37	0	153
Photo Copies Only	12	4	7	12	0	35
Forms Only	38	40	36	35	0	149

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	14
Category II	2,008
Photo Copies Only	680
Forms Only	1,483

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	13	9	12	10	0	44
Per Cent	33%	23%	32%	27%	0%	29%

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR	
Number	550
Per Cent	27%

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

AVERAGE		SHORTEST PERIOD		LONGEST PERIOD	
Week 1	4.2 Days	2		17	
Week 2	4.3 Days	1		6	
Week 3	3.4 Days	0		6	
Week 4	3.2 Days	1		7	
Week 5	0	0		0	
MONTHLY AVERAGE 3.8 Days					

b. Average for this month added to running total for previous months.

January	3.5 Days	May	3.3 Days
February	3.3 Days	June	3.9 Days
March	3.6 Days	July	3.6 Days
April	2.7 Days	August	3.8 Days
YEARLY AVERAGE TO DATE 3.5 Days		September	3.0 Days
		October	3.9 Days
		November	3.1 Days
		December	3.8 Days

11. Total hours per week the Law Library was open at this unit

If open for less than 40 hrs/week, please explain

HOURS	
Week 1	40 Hours
Week 2	40 Hours
Week 3	40 Hours
Week 4	40 Hours
Week 5	0 Hours
WEEKLY AVERAGE	40 Hours (Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Est. Time Needed in Item #2, DC Form 223)

AVERAGE HOURS

Week 1	1.5 Hours
Week 2	1.5 Hours
Week 3	1.5 Hours
Week 4	1.5 Hours
Week 5	0 Hours

MONTHLY AVERAGE 1.5 Hours

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS

Week 1	1.45 Hours
Week 2	1.39 Hours
Week 3	1.43 Hours
Week 4	1.42 Hours
Week 5	0 Hours

MONTHLY AVERAGE 1.42 Hours

c. (CONTINUED ON NEXT PAGE)

12. c. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE		MONTHLY AVERAGE	
January	1.09 Hours	May	1.43 Hours
February	1.17 Hours	June	1.41 Hours
March	1.27 Hours	July	1.45 Hours
April	1.44 Hours	August	1.45 Hours
YEARLY AVERAGE TO DATE		1.46 Hours	
		September	1.40 Hours
		October	1.46 Hours
		November	1.43 Hours
		December	1.42 Hours

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED

14. Other Comments:

(Signature and Title of Respondent)

EXHIBIT AAA

CUMULATIVE LAW LIBRARY STATISTICS

Core (UNII) Central #3100. December, 1984

Maximum Security

A-229

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	28	January	25
Week 2	20	February	25
Week 3	23	March	19
Week 4	16	April	47
Week 5	0	May	41
TOTAL	87	June	74
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	111
		August	92
		September	52
		October	102
		November	97
		December	87
			684
			771

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	22	January	18
Week 2	15	February	34
Week 3	21	March	48
Week 4	14	April	55
Week 5	0	May	41
TOTAL	72	June	74
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	97
		August	75
		September	46
		October	86
		November	81
		December	72
			655
			727

3. a. Title 3—North Carolina General Statutes & United States Code Annotated.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	25	January	31
Week 2	22	February	52
Week 3	25	March	49
Week 4	22	April	50
Week 5	0	May	41
TOTAL	94	June	73
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	102
		August	84
		September	53
		October	122
		November	100
		December	94
			757
			851

CUMULATIVE LAW LIBRARY STATISTICS

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS			
Week 1	19	January	51	July	71
Week 2	13	February	62	August	56
Week 3	14	March	67	September	44
Week 4	15	April	70	October	66
Week 5	0	May	54	November	66
TOTAL	61	June	51	December	61
		RUNNING TOTAL FOR PREVIOUS MONTHS			
		658			
Total for this month added to running total for previous months		719			

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS				
Week 1	0	January	0	July	0	
Week 2	0	February	0	August	0	
Week 3	0	March	0	September	0	
Week 4	0	April	0	October	0	
Week 5	0	May	0	November	0	
TOTAL	0	June	0	December	0	
		RUNNING TOTAL FOR PREVIOUS MONTHS				
		0				
Total for this month added to running total for previous months						
		0				

6. a. Total of ALL inmates using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS			
Week 1	19	January	51	July	71
Week 2	13	February	62	August	56
Week 3	14	March	67	September	44
Week 4	15	April	70	October	66
Week 5	0	May	54	November	66
TOTAL	61	June	51	December	61
		RUNNING TOTAL FOR PREVIOUS MONTHS			
		658			
Total for this month added to running total for previous months		719			

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	3	3	3	1	0	10
Habeas Corpus	4	2	4	3	0	13
Civil Rights (§1983)	4	3	3	3	0	13
Other	2	3	1	2	0	8

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	135
Habeas Corpus	180
Civil Rights (§1983)	153
Other	86

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	0	0	0	0	0	0
Category II	19	13	14	15	0	61
Photo Copies Only	5	9	0	4	0	18
Forms Only	10	14	12	10	0	46

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	26
Category II	693
Photo Copies Only	316
Forms Only	703

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	6	2	3	6	0	17
Per Cent	32%	15%	21%	40%	0%	28%

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number	169
Per Cent	24%

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

AVERAGE

Week 1	10.2 Days
Week 2	6.3 Days
Week 3	5.1 Days
Week 4	3.5 Days
Week 5	0

MONTHLY AVERAGE 6.3 Days

SHORTEST PERIOD

6
3
3
2
0

LONGEST PERIOD

17
8
7
6
0

b. Average for this month added to running total for previous months.

January	4.7 Days
February	3.8 Days
March	4.5 Days
April	5.3 Days

May	3.5 Days
June	4.1 Days
July	5.1 Days
August	3.1 Days

September	5.8 Days
October	4.5 Days
November	6.6 Days
December	6.3 Days

YEARLY AVERAGE TO DATE 4.8 Days

11. Total hours per week the Law Library was open at this unit

HOURS		If open for less than 40 hrs/week, please explain
Week 1	40 Hours	
Week 2	40 Hours	
Week 3	40 Hours	
Week 4	40 Hours	
Week 5	0 Hours	
WEEKLY AVERAGE		40 Hours (Based on a five day week)

12. a. Duration of appointments as scheduled, (Weekly average of inmate's Est. Time Needed in Item #2, DC Form 223)

AVERAGE HOURS

Week 1	1.5 Hours
Week 2	1.5 Hours
Week 3	1.5 Hours
Week 4	1.5 Hours
Week 5	0 Hours

MONTHLY AVERAGE 1.5 Hours

b. Actual duration of appointments, (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS

Week 1	1.43 Hours
Week 2	1.39 Hours
Week 3	1.45 Hours
Week 4	1.43 Hours
Week 5	0 Hours

MONTHLY AVERAGE 1.43 Hours

c. (CONTINUED ON NEXT PAGE)

12. c. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE		MONTHLY AVERAGE		MONTHLY AVERAGE	
January	1.36 Hours	May	1.15 Hours	September	1.43 Hours
February	1.45 Hours	June	1.44 Hours	October	1.44 Hours
March	1.43 Hours	July	1.48 Hours	November	1.46 Hours
April	1.45 Hours	August	1.46 Hours	December	1.43 Hours
YEARLY AVERAGE TO DATE		1.42 Hours			

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED

14. Other Comments:

(Signature and Title of Respondent)

EXHIBIT BBB

CUMULATIVE LAW LIBRARY STATISTICS

Craggy 1984

1. a. Title 1—Federal Reporter and Federal Supplement:

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	<u>2</u>	September	<u>10</u>
Week 2	<u>7</u>	October	<u>19</u>
Week 3	<u>9</u>	November	<u>12</u>
Week 4	<u>10</u>	December	<u>28</u>
		January	<u>0</u>
		February	<u>4</u>
TOTAL	<u>28</u>	March	<u>0</u>
		April	<u>3</u>
		May	<u>26</u>
		June	<u>11</u>
		July	<u>5</u>
		August	<u>17</u>
		TOTAL	<u>107</u>
			<u>135</u>

b. Total for this month added to running total for previous months

2. a. Title 2—The North Carolina Reporter & North Carolina Ct. of App.:

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	<u>0</u>	September	<u>6</u>
Week 2	<u>2</u>	October	<u>7</u>
Week 3	<u>3</u>	November	<u>14</u>
Week 4	<u>6</u>	December	<u>11</u>
		January	<u>0</u>
		February	<u>4</u>
TOTAL	<u>11</u>	March	<u>2</u>
		April	<u>4</u>
		May	<u>27</u>
		June	<u>11</u>
		July	<u>6</u>
		August	<u>9</u>
		TOTAL	<u>90</u>
			<u>101</u>

b. Total for this month added to running total for previous months

3. a. Title 3—The N.C. General Statutes & the U.S. Code Annotated:

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	<u>2</u>	September	<u>29</u>
Week 2	<u>11</u>	October	<u>52</u>
Week 3	<u>14</u>	November	<u>44</u>
Week 4	<u>13</u>	December	<u>40</u>
		January	<u>24</u>
		February	<u>13</u>
TOTAL	<u>40</u>	March	<u>18</u>
		April	<u>20</u>
		May	<u>101</u>
		June	<u>36</u>
		July	<u>11</u>
		August	<u>39</u>
		TOTAL	<u>382</u>

Page 2

3.b. Total for this month added to running total for previous months: 422

4. a. Total inmates using the Law Library:

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	<u>2</u>	September	<u>30</u>
Week 2	<u>11</u>	October	<u>40</u>
Week 3	<u>8</u>	November	<u>34</u>
Week 4	<u>14</u>	December	<u>35</u>
		January	<u>31</u>
		February	<u>28</u>
TOTAL	<u>35</u>	March	<u>34</u>
		April	<u>21</u>
		May	<u>77</u>
		June	<u>32</u>
		July	<u>20</u>
		August	<u>47</u>
		TOTAL	<u>394</u>
			<u>429</u>

b. This month's total added to running total for previous months

5. a. Inmates transferred to use the Law Library:

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	<u>0</u>	September	<u>5</u>
Week 2	<u>3</u>	October	<u>11</u>
Week 3	<u>0</u>	November	<u>13</u>
Week 4	<u>4</u>	December	<u>7</u>
		January	<u>3</u>
		February	<u>11</u>
TOTAL	<u>7</u>	March	<u>8</u>
		April	<u>3</u>
		May	<u>17</u>
		June	<u>7</u>
		July	<u>4</u>
		August	<u>15</u>
		TOTAL	<u>97</u>
			<u>104</u>

b. Total for this month added to running total for previous months

6. a. Total of all inmates using the Law Library:

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	<u>2</u>	September	<u>30</u>
Week 2	<u>11</u>	October	<u>40</u>
Week 3	<u>8</u>	November	<u>34</u>
Week 4	<u>14</u>	December	<u>35</u>
		January	<u>31</u>
		February	<u>28</u>
TOTAL	<u>35</u>	March	<u>34</u>
		April	<u>21</u>
		May	<u>77</u>
		June	<u>32</u>
		July	<u>20</u>
		August	<u>47</u>
		TOTAL	<u>394</u>

Page 3

6.b. This month's total added to running total for previous months

429

7. a. Type of Research

	Week 1	Week 2	Week 3	Week 4	TOTAL
Criminal Appeal	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Habeas Corpus	<u>0</u>	<u>2</u>	<u>0</u>	<u>0</u>	<u>2</u>
Civil Rights (§1983)	<u>0</u>	<u>1</u>	<u>0</u>	<u>5</u>	<u>6</u>
Other	<u>2</u>	<u>8</u>	<u>8</u>	<u>9</u>	<u>27</u>

b. This month's total added to running total for previous months.

Criminal Appeal _____

Habeas Corpus _____

Civil Rights (§1983) _____

Other _____

8. a. Request for Law Library use by category.

	Week 1	Week 2	Week 3	Week 4	TOTAL
Category I	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Category II	<u>2</u>	<u>11</u>	<u>8</u>	<u>14</u>	<u>35</u>
Photo Copies Only	_____	_____	_____	_____	_____

b. This month's total added to running total for previous months:

Category I _____

Category II _____

Photo Copies Only _____

9. a. Number and per cent of inmates who failed to appear:

	Week 1	Week 2	Week 3	Week 4	TOTAL
Number	_____	_____	_____	_____	_____
Per Cent	_____	_____	_____	_____	_____

b. This month's total and percent added to running total for previous months.

Number _____

Per Cent _____

Page 4

10. a. Time lapse before use of library after request #223 has been filed:

Week 1	1 Wk. Day
Week 2	1 Wk. Day
Week 3	1 Wk. Day
Week 4	1 Wk. Day
Average	1 Wk. Day

b. This month's total added to running total for previous months:

September	_____	January	_____
October	_____	February	_____
November	_____	March	_____
December	_____	April	_____

11. How many hours per week is the library open:

Week 1	40 Hrs.
Week 2	40 Hrs.
Week 3	40 Hrs.
Week 4	40 Hrs.
Average	40 Hrs.

12. a. Duration of appointments as scheduled:

Week 1	_____
Week 2	_____
Week 3	_____
Week 4	_____
Average	_____

May	_____
June	_____
July	_____
August	_____

January _____
February _____
March _____
April _____

May	_____
June	_____
July	_____
August	_____

January _____
February _____
March _____
April _____

[illegible]

Value

[illegible]

EXHIBIT CCC

DECEMBER 1-31 Worksheet CUMULATIVE LAW LIBRARY STATISTICS FRANKLIN

1. a. Federal Reporter and Federal Supplement

WEEKLY TOTALS			MONTHLY TOTALS		
Week 1	8		September	29	March
Week 2	5		October	44	April
Week 3	10		November	12	May
Week 4			December	23	June
Week 5			January	30	July
			February	35	August
TOTAL	23				RUNNING TOTAL
					313
					336

b. Total for this month added to running total for previous months

2. a. The North Carolina Reporter & North Carolina Court of Appeals

WEEKLY TOTALS			MONTHLY TOTALS		
Week 1	3		September	2	March
Week 2	3		October	16	April
Week 3	0		November	13	May
Week 4			December	6	June
Week 5			January	7	July
			February	21	August
TOTAL	6				RUNNING TOTAL
					150
					156

b. Total for this month added to running total for previous months

3. a. The North Carolina General Statutes & The United States Code Annotated

WEEKLY TOTALS			MONTHLY TOTALS		
Week 1	6		September	3	March
Week 2	4		October	10	April
Week 3	5		November	5	May
Week 4			December	15	June
Week 5			January	19	July
			February	35	August
TOTAL	15				RUNNING TOTAL
					178
					193

b. Total for this month added to running total for previous months

4. a. Strong's North Carolina Index

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	September	0
Week 2	0	October	3
Week 3	0	November	0
Week 4		December	0
Week 5		January	0
		February	3
TOTAL	0	RUNNING TOTAL	
		March	0
		April	1
		May	1
		June	0
		July	0
		August	0
			8

A-241

b. Total for this month added to running total for previous months

5. a. Other

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	September	0
Week 2	2	October	2
Week 3	0	November	7
Week 4		December	2
Week 5		January	0
		February	3
TOTAL	2	RUNNING TOTAL	
		March	4
		April	1
		May	3
		June	9
		July	12
		August	10
			63
			65

b. Total for this month added to running total for previous months

6. a. Total Inmates using the Law Library at this Unit

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	8	September	29
Week 2	14	October	53
Week 3	9	November	27
Week 4		December	31
Week 5		January	70
		February	67
TOTAL	31	RUNNING TOTAL	
		March	63
		April	56
		May	47
		June	52
		July	60
		August	75
			599
			630

b. Total for this month added to running total for previous months

7. a. Inmates transferred to use the Law Library

WEEKLY TOTALS

Week 1	3
Week 2	3
Week 3	1
Week 4	
Week 5	
TOTAL	7

MONTHLY TOTALS

September	0	March	6
October	6	April	11
November	11	May	15
December	7	June	2
January	5	July	5
February	7	August	9
		RUNNING TOTAL	77
			84

b. Total for this month added to running total for previous months

8. a. Total of all inmates using the Law Library

WEEKLY TOTALS

Week 1	11
Week 2	17
Week 3	10
Week 4	
Week 5	
TOTAL	38

MONTHLY TOTALS

September	29	March	69
October	59	April	67
November	38	May	62
December	38	June	54
January	75	July	65
February	74	August	84
		RUNNING TOTAL	676
			714

b. This month's total added to running total for previous months

Page 4

9. a. Type of Research.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	7	9	5			21
Habeas Corpus	0	0	0			0
Civil Rights (§1983)	2	7	2			11
Other	2	1	3			6

b. This month's total added to running total for previous months.

Criminal Appeal	383 + 21 = 404
Habeas Corpus	21 + 0 = 21
Civil Rights (§1983)	154 + 11 = 165
Other	120 + 6 = 126

10. a. Request for Law Library use by category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category 1	0	0	0			0
Category 2	11	17	10			38
Photo copies only	2	4	0			6
FORMS ONLY	9	110	26			145

b. This month's total added to running total for previous months.

Category 1	53 + 0 = 53
Category 2	622 + 38 = 660
Photo copies only	807 + 6 = 813
FORMS ONLY	2240 + 145 = 2385

11. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	0	0	0	CLOSED		0
Per Cent	0	0	0	CLOSED		0

b. This month's total and percent added to running total for previous months.

Number	
Per Cent	

12. a. Time lapse before use of library after request #223 has been filed at inmate's unit

AVERAGE		LONGEST PERIOD	SHORTEST PERIOD
Week 1	One day	13 days	same day
Week 2	1 1/2 days	20 days	same day
Week 3	less than 1 day	6 days	same day
Week 4	closed		
Week 5			
Average			Average same day

b. This month's average total added to running total for previous months.

AVERAGE TOTALS

September	One day	January	less than 1 day	May	One day
October	same day	February	less than 1 day	June	less than 1 day
November	less than 1 day	March	One day	July	One day
December	same day	April	One day	August	less than 1 day

YEARLY AVERAGE

13. How many hours per week is the library open

If open for less than 40 hrs./week, please explain

Week 1	40	
Week 2	40	
Week 3	40	
Week 4		
Week 5		
Average	30	

Closed for Christmas Holidays, until December 31st

14. a. Duration of appointments as scheduled

Week 1	48	Week 5	
Week 2	59		
Week 3	17		
Week 4	Closed		
Average	31		

b. (CONTINUED)

14. b. Actual Duration of Appointments

J.C. Duration of appointments for previous months

A-245

15. Damage Report

[illegible]

EXHIBIT DDD

CUMULATIVE LAW LIBRARY STATISTICS
HARNETT YOUTH CENTER

December 1984

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS

Week 1	0
Week 2	0
Week 3	0
Week 4	N/A
Week 5	N/A

TOTAL 0

- b. Total for this month added to running total for previous months

MONTHLY TOTALS

January	0	July	4
February	0	August	1
March	1	September	5
April	3	October	7
May	0	November	1
June	8	December	0
RUNNING TOTAL FOR PREVIOUS MONTHS			30
			30

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS

Week 1	3
Week 2	0
Week 3	0
Week 4	N/A
Week 5	N/A

TOTAL 3

- b. Total for this month added to running total for previous months

MONTHLY TOTALS

January	3	July	24
February	1	August	19
March	13	September	39
April	8	October	9
May	8	November	4
June	11	December	3
RUNNING TOTAL FOR PREVIOUS MONTHS			139
			142

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS

Week 1	4
Week 2	5
Week 3	8
Week 4	N/A
Week 5	N/A

TOTAL 17

- b. Total for this month added to running total for previous months

MONTHLY TOTALS

January	27	July	27
February	45	August	29
March	25	September	38
April	31	October	23
May	27	November	32
June	54	December	17
RUNNING TOTAL FOR PREVIOUS MONTHS			358
			375

CUMULATIVE LAW LIBRARY STATISTICS

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	5	January	39
Week 2	5	February	42
Week 3	10	March	20
Week 4	N/A	April	39
Week 5	N/A	May	28
		June	44
TOTAL	20	RUNNING TOTAL FOR PREVIOUS MONTHS	
			348
			368

- b. Total for this month added to running total for previous months

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	1
Week 2	0	February	2
Week 3	0	March	1
Week 4	N/A	April	0
Week 5	N/A	May	0
		June	0
TOTAL	0	RUNNING TOTAL FOR PREVIOUS MONTHS	
			6
			6

- b. Total for this month added to running total for previous months

6. a. Total of ALL Inmates using the Law Library. (Combine item #4 and #5 above)

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	5	January	40
Week 2	5	February	44
Week 3	10	March	21
Week 4	N/A	April	39
Week 5	N/A	May	28
		June	44
TOTAL	20	RUNNING TOTAL FOR PREVIOUS MONTHS	
			354
			374

- b. Total for this month added to running total for previous months

Page 3

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	<u>1</u>	<u>0</u>	<u>1</u>	<u>N/A</u>	<u>N/A</u>	<u>2</u>
Habeas Corpus	<u>0</u>	<u>0</u>	<u>0</u>	<u> </u>	<u> </u>	<u>0</u>
Civil Rights (§1983)	<u>0</u>	<u>0</u>	<u>2</u>	<u> </u>	<u> </u>	<u>2</u>
Other	<u>4</u>	<u>5</u>	<u>7</u>	<u> </u>	<u> </u>	<u>16</u>

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	<u>48</u>
Habeas Corpus	<u>1</u>
Civil Rights (§1983)	<u>24</u>
Other	<u>303</u>

8 a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	<u>0</u>	<u>1</u>	<u>0</u>	<u>N/A</u>	<u>N/A</u>	<u>1</u>
Category II	<u>5</u>	<u>4</u>	<u>10</u>	<u> </u>	<u> </u>	<u>19</u>
Photo copies	<u>0</u>	<u>0</u>	<u>2</u>	<u> </u>	<u> </u>	<u>2</u>
Forms Only	<u>0</u>	<u>0</u>	<u>0</u>	<u> </u>	<u> </u>	<u>0</u>

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	<u>24</u>
Category II	<u>350</u>
Photo Copies Only	<u>11</u>
Forms Only	<u>2</u>

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	<u>1</u>	<u>1</u>	<u>0</u>	<u>N/A</u>	<u>N/A</u>	<u>2</u>
Per Cent	<u>16.67</u>	<u>16.67</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>9.09</u>

b. Total for this month combined with totals for previous months.

TOTAL FOR YEAR

Number	<u>16</u>
Per Cent	<u>4.10</u>

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

AVERAGE

Week 1	<u>2.80</u>
Week 2	<u>6.40</u>
Week 3	<u>2.10</u>
Week 4	<u>N/A</u>
Week 5	<u>N/A</u>

MONTHLY AVERAGE 3.77

SHORTEST PERIOD

<u>1</u>
<u>3</u>
<u>1</u>
<u> </u>
<u> </u>

LONGEST PERIOD

<u>4</u>
<u>16</u>
<u>5</u>
<u> </u>
<u> </u>

b. Average for this month added to running total for previous months.

January	<u>5.21</u>
February	<u>5.02</u>
March	<u>5.69</u>
April	<u>2.76</u>

May	<u>7.81</u>
June	<u>5.67</u>
July	<u>3.78</u>
August	<u>3.24</u>

September	<u>5.06</u>
October	<u>4.09</u>
November	<u>3.54</u>
December	<u>3.77</u>

YEARLY AVERAGE TO DATE 4.64

11. Total hours per week the Law Library was open at this unit.

HOURS	If open for less than 40 hrs/week, please explain	
Week 1	3.75	Out of 5 scheduled hours of appointments
Week 2	3.00	Out of 7 scheduled hours of appointments
Week 3	5.50	Out of 9.5 scheduled hours of appointments
Week 4	N/A	None Scheduled
Week 5	N/A	None Scheduled

WEEKLY AVERAGE 4.08 (Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS

Week 1	1.40
Week 2	2.70
Week 3	1.60
Week 4	N/A
Week 5	N/A

MONTHLY AVERAGE 1.90

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS

Week 1	1.30
Week 2	1.15
Week 3	1.05
Week 4	N/A
Week 5	N/A

MONTHLY AVERAGE 1.17

c. (CONTINUED ON NEXT PAGE)

12. c. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE		MONTHLY AVERAGE		MONTHLY AVERAGE	
January	1.57	May	1.39	September	2.70
February	1.55	June	1.61	October	1.27
March	2.08	July	2.62	November	1.63
April	1.17	August	1.89	December	1.17

YEARLY AVERAGE TO DATE 1.72 Hours

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VALUE

14. Other Comments:

/S/

(Signature and Title of Respondent)
W. A. Rogers
Law Library Supervisor

EXHIBIT EEE

CUMULATIVE LAW LIBRARY STATISTICS SOUTHERN CORRECTIONAL CENTER—#3600.—December, 1984

A-252

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	2
Week 2	0	February	7
Week 3	0	March	7
Week 4	0	April	44
Week 5	0	May	6
TOTAL	0	June	29
		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	41
		August	14
		September	14
		October	2
		November	1
		December	0
			167
			167

b. Total for this month added to running total for previous months

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	8
Week 2	0	February	33
Week 3	0	March	4
Week 4	0	April	10
Week 5	0	May	6
TOTAL	0	June	42
		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	29
		August	20
		September	9
		October	0
		November	0
		December	0
			161
			161

b. Total for this month added to running total for previous months

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	26
Week 2	0	February	15
Week 3	0	March	11
Week 4	0	April	6
Week 5	0	May	30
TOTAL	0	June	41
		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	87
		August	37
		September	52
		October	0
		November	1
		December	0
			306
			306

b. Total for this month added to running total for previous months

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	16	January	66
Week 2	12	February	69
Week 3	18	March	68
Week 4	5	April	101
Week 5	0	May	81
		June	137
TOTAL	51	RUNNING TOTAL FOR PREVIOUS MONTHS	
b. Total for this month added to running total for previous months			883

A-253

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	13	January	31
Week 2	8	February	30
Week 3	6	March	37
Week 4	1	April	36
Week 5	0	May	32
		June	26
TOTAL	28	RUNNING TOTAL FOR PREVIOUS MONTHS	
b. Total for this month added to running total for previous months			432

6. a. Total of ALL Inmates using the Law Library. (Combine item #4 and #5 above)

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	29	January	97
Week 2	20	February	99
Week 3	24	March	105
Week 4	6	April	137
Week 5	0	May	113
		June	163
TOTAL	79	RUNNING TOTAL FOR PREVIOUS MONTHS	
b. Total for this month added to running total for previous months			1,281
			1,360

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	0	0	3	0	0	3
Habeas Corpus	1	0	0	0	0	1
Civil Rights (§ 1983)	1	0	3	1	0	5
Other	26	20	18	5	0	69

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	58
Habeas Corpus	25
Civil Rights (§ 1983)	261
Other	1,004

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	0	0	5	2	0	7
Category II	29	20	18	4	0	72
Photo Copies Only	3	0	6	1	0	10
Forms Only	2	0	3	1	0	6

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	223
Category II	1,349
Photo Copies Only	2,820
Forms Only	4,176

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	<u>7</u>	<u>2</u>	<u>3</u>	<u>1</u>	<u>0</u>	<u>13</u>
Per Cent	<u>43.0</u>	<u>16.0</u>	<u>16.0</u>	<u>2.0</u>	<u>0</u>	<u>15.4</u>

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number	<u>361</u>
Per Cent	<u>30.0</u>

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

	AVERAGE	SHORTEST PERIOD	LONGEST PERIOD
Week 1	<u>29.3</u>	<u>3</u>	<u>48</u>
Week 2	<u>33.8</u>	<u>27</u>	<u>40</u>
Week 3	<u>25.7</u>	<u>4</u>	<u>46</u>
Week 4	<u>23.6</u>	<u>4</u>	<u>36</u>
Week 5	<u>0</u>	<u>0</u>	<u>0</u>

MONTHLY AVERAGE 22.4

b. Average for this month added to running total for previous months.

January	<u>12.2</u>	<u>May</u>	<u>16.81</u>	<u>September</u>	<u>20.7</u>
February	<u>11.96</u>	<u>June</u>	<u>11.13</u>	<u>October</u>	<u>30.76</u>
March	<u>14.08</u>	<u>July</u>	<u>13.5</u>	<u>November</u>	<u>23.3</u>
April	<u>8.77</u>	<u>August</u>	<u>16.56</u>	<u>December</u>	<u>22.4</u>

YEARLY AVERAGE TO DATE 16.8

11. Total hours per week the Law Library was open at this unit.

HOURS		If open for less than 40 hrs/week, please explain
Week 1	32	
Week 2	32	
Week 3	32	
Week 4	16	
Week 5	8	

WEEKLY AVERAGE 24 (Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS

Week 1	2
Week 2	2
Week 3	2
Week 4	3
Week 5	0

MONTHLY AVERAGE 1.8

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS

Week 1	1.4
Week 2	0.6
Week 3	1.0
Week 4	1.0
Week 5	0

MONTHLY AVERAGE 0.8

c. (CONTINUED ON NEXT PAGE)

c. Average duration of appointments for this month to averages for previous months.

MONTHLY AVERAGE		MONTHLY AVERAGE		MONTHLY AVERAGE	
January	2.18	May	2.13	September	1.58
February	2.19	June	2.25	October	1.07
March	2.42	July	2.07	November	1.51
April	2.24	August	1.34	December	0.8

YEARLY AVERAGE TO DATE 2.01

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VALUE
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

14. Other Comments:

N/A
N/A
N/A
N/A
N/A

/S/ Randy Dean East

(Signature and Title of Respondent)
Law Library Supervisor

EXHIBIT FFF

CUMULATIVE LAW LIBRARY STATISTICS (UNIT) MECKLENBURG II, PRISON UNIT 4535—December 31, 1984

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS	(1984)	MONTHLY TOTALS	(1984)
Week 1	5	January	1
Week 2	5	February	3
Week 3	2	March	2
Week 4	1	April	16
Week 5	0	May	15
		June	22
TOTAL	13	RUNNING TOTAL FOR PREVIOUS MONTHS (FROM SEPTEMBER 1, 1979)	371
		Total for this month added to running total for previous months	384

b. Total for this month added to running total for previous months

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS	(1984)	MONTHLY TOTALS	(1984)
Week 1	4	January	1
Week 2	5	February	2
Week 3	1	March	4
Week 4	0	April	26
Week 5	0	May	34
		June	38
TOTAL	10	RUNNING TOTAL FOR PREVIOUS MONTHS (FROM SEPTEMBER 1, 1979)	456
		Total for this month added to running total for previous months	466

b. Total for this month added to running total for previous months

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS	(1984)	MONTHLY TOTALS	(1984)
Week 1	4	January	1
Week 2	3	February	5
Week 3	2	March	5
Week 4	0	April	32
Week 5	1	May	36
		June	37
TOTAL	10	RUNNING TOTAL FOR PREVIOUS MONTHS (FROM SEPTEMBER, 1, 1979)	872
		Total for this month added to running total for previous months	882

b. Total for this month added to running total for previous months

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS		(1984)		MONTHLY TOTALS		(1984)		
Week 1	29		January	68	July		90	
Week 2	37		February	74	August		77	
Week 3	20		March	64	September		84	
Week 4	3		April	90	October		94	
Week 5	9		May	87	November		90	
			June	100	December			
TOTAL	98		RUNNING TOTAL FOR PREVIOUS MONTHS					5,311
			(FROM SEPTEMBER 1, 1979)					
Total for this month added to running total for previous months								5,409

A-259

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		(1984)	MONTHLY TOTALS		(1984)	
Week 1	1		January	10	July	15
Week 2	1		February	9	August	5
Week 3	1		March	8	September	6
Week 4	0		April	10	October	5
Week 5	1		May	11	November	10
			June	17	December	
TOTAL		4	RUNNING TOTAL FOR PREVIOUS MONTHS (FROM SEPTEMBER 1, 1979)			491
Total for this month added to running total for previous months						495

6. a. Total of all Inmates using the Law Library. (Combine item #4 & #5 above).

WEEKLY TOTALS		(1984)	MONTHLY TOTALS		(1984)	
Week 1	30		January	78	July	105
Week 2	38		February	83	August	82
Week 3	21		March	72	September	90
Week 4	3		April	100	October	99
Week 5	10		May	98	November	100
			June	117	December	
TOTAL		102	RUNNING TOTAL FOR PREVIOUS MONTHS			5,802
			(FROM SEPTEMBER 1, 1979)			
Total for this month added to running total for previous months						5,904

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	0	0	0	0	0	0
Habeas Corpus	0	0	0	0	0	0
Civil Rights (§ 1983)	0	1	2	0	0	3
Other	30	37	19	3	10	99

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR (FROM: SEPTEMBER 1, 1979 TO: DECEMBER 31, 1984)

Criminal Appeal	307
Habeas Corpus	57
Civil Rights (§ 1983)	481
Other	5,059
	(5,904)

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	0	1	0	0	0	1
Category II	23	33	20	2	9	87
Photo Copies Only	6	4	1	1	0	12
Forms Only	1	0	0	0	1	2

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR (FROM: SEPTEMBER 1, 1979 TO: DECEMBER 31, 1984)

Category I	99
Category II	5,460
Photo Copies Only	247
Forms Only	98
	(5,904)

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	0	0	0	0	0	0
Per Cent	0%	0%	0%	0%	0%	0%

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR (FROM: SEPTEMBER 1, 1979 TO: DECEMBER 31, 1984)

Number 36
Per Cent .061%

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

	AVERAGE	SHORTEST PERIOD	LONGEST PERIOD
Week 1	16	0	14
Week 2	0	0	0
Week 3	0	0	0
Week 4	3	0	3
Week 5	0	0	0

MONTHLY AVERAGE 4

b. Average for this month added to running total for previous months.

(1984)	(1984)	(1984)
January <u>14</u>	May <u>22</u>	September <u>18</u>
February <u>15</u>	June <u>38</u>	October <u>9</u>
March <u>17</u>	July <u>16</u>	November <u>12</u>
April <u>15</u>	August <u>8</u>	December <u>4</u>

YEARLY AVERAGE TO DATE 17 (FROM: JANUARY 1, 1984 TO: DECEMBER 31, 1984)

11. Total hours per week the Law Library was open at this unit.

HOURS		If open for less than 40 hrs/week, please explain.
Week 1	24	12/5 & 6/84 16 hrs. CPR training
Week 2	40	
Week 3	31.5	12/17/84 3 hrs. COURT MATTERS. 12/21/84 4 HRS. COMP. TIME 12/19/84 1.5 HRS. COURT MATTERS.
Week 4	8	12/24, 25 & 26/84 24 HRS. CHRISTMAS HOLIDAYS 12/27/84 8 HRS. VACATION
Week 5	8	1 DAY WEEK

WEEKLY AVERAGE 22 (Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE
HOURS

Week 1	*	* A SPECIFIED AMOUNT OF TIME IS NOT SCHEDULED AS A BACKLOG OF USERS DO NOT EXIST AT THIS TIME. IF AND WHEN A BACKLOG OF USERS DO EXIST A SPECIFIED PERIOD OF TIME WOULD BE SET AND LIMITED TO FOUR (4) HOURS IN ACCORDANCE WITH POLICIES-PROCEDURES UNTIL THE BACKLOG OF USERS DID NOT EXIST.
Week 2	*	
Week 3	*	
Week 4	*	
Week 5	*	

MONTHLY AVERAGE *

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

"TIME
RECORDED IN
MINUTES"

AVERAGE HOURS

Week 1	1,615	MINUTES
Week 2	2,685	MINUTES
Week 3	1,960	MINUTES
Week 4	430	MINUTES
Week 5	605	MINUTES

MONTHLY AVERAGE 1,459

c. (CONTINUED ON NEXT PAGE)

MONTHLY AVERAGE

YEARLY AVERAGE TO DATE 7,395
MINUTES

DATE FOUND	INMATE INVOLVED	VALUE
11/1/78	1	100
11/1/78	2	100
11/1/78	3	100
11/1/78	4	100
11/1/78	5	100
11/1/78	6	100
11/1/78	7	100
11/1/78	8	100
11/1/78	9	100
11/1/78	10	100
11/1/78	11	100
11/1/78	12	100
11/1/78	13	100
11/1/78	14	100
11/1/78	15	100
11/1/78	16	100
11/1/78	17	100
11/1/78	18	100
11/1/78	19	100
11/1/78	20	100
11/1/78	21	100
11/1/78	22	100
11/1/78	23	100
11/1/78	24	100
11/1/78	25	100
11/1/78	26	100
11/1/78	27	100
11/1/78	28	100
11/1/78	29	100
11/1/78	30	100
11/1/78	31	100
11/1/78	32	100
11/1/78	33	100
11/1/78	34	100
11/1/78	35	100
11/1/78	36	100
11/1/78	37	100
11/1/78	38	100
11/1/78	39	100
11/1/78	40	100
11/1/78	41	100
11/1/78	42	100
11/1/78	43	100
11/1/78	44	100
11/1/78	45	100
11/1/78	46	100
11/1/78	47	100
11/1/78	48	100
11/1/78	49	100
11/1/78	50	100
11/1/78	51	100
11/1/78	52	100
11/1/78	53	100
11/1/78	54	100
11/1/78	55	100
11/1/78	56	100
11/1/78	57	100
11/1/78	58	100
11/1/78	59	100
11/1/78	60	100
11/1/78	61	100
11/1/78	62	100
11/1/78	63	100
11/1/78	64	100
11/1/78	65	100
11/1/78	66	100
11/1/78	67	100
11/1/78	68	100
11/1/78	69	100
11/1/78	70	100
11/1/78	71	100
11/1/78	72	100
11/1/78	73	100
11/1/78	74	100
11/1/78	75	100
11/1/78	76	100
11/1/78	77	100
11/1/78	78	100
11/1/78	79	100
11/1/78	80	100
11/1/78	81	100
11/1/78	82	100
11/1/78	83	100
11/1/78	84	100
11/1/78	85	100
11/1/78	86	100
11/1/78	87	100
11/1/78	88	100
11/1/78	89	100
11/1/78	90	100
11/1/78	91	100
11/1/78	92	100
11/1/78	93	100
11/1/78	94	100
11/1/78	95	100
11/1/78	96	100
11/1/78	97	100
11/1/78	98	100
11/1/78	99	100
11/1/78	100	100

ALL "TIMES" ARE COUNTED IN "MINUTES."

(Signature and Title of Respondent)

EXHIBIT GGG

CUMULATIVE LAW LIBRARY STATISTICS (UNIT) 3200-NCCCW—December, 1984

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	0
Week 2	0	February	0
Week 3	0	March	0
Week 4	0	April	0
Week 5	0	May	0
TOTAL	0	June	0
		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	0
		August	0
		September	0
		October	0
		November	0
		December	0

b. Total for this month added to running total for previous months

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	0
Week 2	0	February	0
Week 3	0	March	0
Week 4	0	April	0
Week 5	0	May	0
TOTAL	0	June	0
		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	0
		August	0
		September	0
		October	0
		November	0
		December	0

b. Total for this month added to running total for previous months

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	0
Week 2	0	February	0
Week 3	1	March	8
Week 4	0	April	4
Week 5	0	May	6
TOTAL	1	June	2
		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	5
		August	2
		September	3
		October	12
		November	3
		December	45
			46

b. Total for this month added to running total for previous months

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS					
Week 1	_____	January	18	July	22		
Week 2	_____	February	19	August	22		
Week 3	_____	March	22	September	9		
Week 4	_____	April	8	October	36		
Week 5	_____	May	20	November	13		
TOTAL	14	June	20	December	14		
		RUNNING TOTAL FOR PREVIOUS MONTHS					209
							223

b. Total for this month added to running total for previous months

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS					
Week 1	0	January	0	July	0		
Week 2	0	February	0	August	0		
Week 3	0	March	0	September	0		
Week 4	0	April	0	October	0		
Week 5	0	May	0	November	0		
TOTAL	0	June	0	December	0		
		RUNNING TOTAL FOR PREVIOUS MONTHS					0

b. Total for this month added to running total for previous months

6. a. Total of ALL Inmates using the Law Library. (Combine items #4 and #5 above)

WEEKLY TOTALS		MONTHLY TOTALS					
Week 1	_____	January	18	July	22		
Week 2	_____	February	19	August	22		
Week 3	_____	March	22	September	9		
Week 4	_____	April	8	October	36		
Week 5	_____	May	20	November	13		
TOTAL	14	June	20	December	14		
		RUNNING TOTAL FOR PREVIOUS MONTHS					209
							223

b. Total for this month added to running total for previous months

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	0	1	0	0		1
Habeas Corpus	0	0	0	0		0
Civil Rights (§ 1983)	0	0	0	0		0
Other	5	3	5	0		14

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	32
Habeas Corpus	0
Civil Rights (§ 1983)	21
Other	170

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	0	0	0	0	0	0
Category II	5	5	4	0	0	14
Photo Copies Only	0	0	0	0	0	0
Forms Only	1	0	0	0	0	1

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	10
Category II	213
Photo Copies Only	6
Forms Only	9

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	<u>3</u>	<u>4</u>	<u>2</u>	<u> </u>	<u> </u>	<u>9</u>
Per Cent	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u>30%</u>

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number	<u>81</u>
Per Cent	<u>38%</u>

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

AVERAGE SHORTEST PERIOD LONGEST PERIOD

Week 1	<u>6</u>	<u>3</u>	<u>12</u>
Week 2	<u>7</u>	<u>5</u>	<u>11</u>
Week 3	<u>8</u>	<u>3</u>	<u>32</u>
Week 4	<u> </u>	<u> </u>	<u> </u>
Week 5	<u> </u>	<u> </u>	<u> </u>

MONTHLY AVERAGE 12

b. Average for this month added to running total for previous months.

January	<u>14</u>	<u>19</u>	September	<u>26</u>
February	<u>10</u>	<u>8</u>	October	<u>10</u>
March	<u>10</u>	<u>13</u>	November	<u>7</u>
April	<u>5</u>	<u>13</u>	December	<u>12</u>

YEARLY AVERAGE TO DATE 12

11. Total hours per week the Law Library was open at this unit.

HOURS		If open for less than 40 hrs/week, please explain	
Week 1	40		
Week 2	40		
Week 3	40		
Week 4			
Week 5			
WEEKLY AVERAGE 40		(Based on a five day week)	
		Christmas Holiday	

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC From 223)

AVERAGE HOURS

Week 1	1
Week 2	1
Week 3	1
Week 4	1
Week 5	

MONTHLY AVERAGE 1

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS

Week 1	1
Week 2	1
Week 3	1
Week 4	1
Week 5	1

MONTHLY AVERAGE 1

c. (CONTINUED ON NEXT PAGE)

c. Average duration of appointments for this month to averages for previous months.

MONTHLY AVERAGE		MONTHLY AVERAGE		MONTHLY AVERAGE	
January	<u>1 hr.</u>	May	<u>1 hr.</u>	September	<u>1 hr.</u>
February	<u>1 hr.</u>	June	<u>1 hr.</u>	October	<u>1 hr.</u>
March	<u>1 hr.</u>	July	<u>1 hr.</u>	November	<u>1 hr.</u>
April	<u>1 hr.</u>	August	<u>1 hr.</u>	December	<u>1 hr.</u>

YEARLY AVERAGE TO DATE 1 hr.

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VALUE

14. Other Comments:

/S/ DHARLENE F. MOORE LAW LIBRARIAN I

(Signature and Title of Respondent)

EXHIBIT HHH

CUMULATIVE LAW LIBRARY STATISTICS

Piedmont Correctional Center #3500—December, 1984

A-270

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	1	January	4
Week 2	6	February	5
Week 3	7	March	0
Week 4	1	April	5
Week 5	0	May	7
		June	17
TOTAL	15	RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	15
		August	13
		September	16
		October	10
		November	15
		December	15
			107
			122

- b. Total for this month added to running total for previous months

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	2	January	7
Week 2	1	February	10
Week 3	5	March	0
Week 4	0	April	0
Week 5	0	May	5
		June	5
TOTAL	8	RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	10
		August	6
		September	13
		October	11
		November	16
		December	8
			83
			91

- b. Total for this month added to running total for previous months

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	10	January	23
Week 2	8	February	39
Week 3	8	March	8
Week 4	2	April	14
Week 5	0	May	11
		June	16
TOTAL	28	RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	29
		August	33
		September	33
		October	44
		November	40
		December	28
			290
			318

- b. Total for this month added to running total for previous months

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	20	January	93
Week 2	12	February	78
Week 3	13	March	61
Week 4	14	April	54
Week 5	0	May	51
TOTAL	59	June	64
		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	77
		August	109
		September	111
		October	112
		November	95
		December	59
			905
			964

b. Total for this month added to running total for previous months

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	8	January	10
Week 2	7	February	14
Week 3	9	March	11
Week 4	0	April	10
Week 5	0	May	20
TOTAL	24	June	15
		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	14
		August	23
		September	23
		October	28
		November	14
		December	24
			182
			206

b. Total for this month added to running total for previous months

6. a. Total of all Inmates using the Law Library. (Combine item #4 and #5 above).

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	28	January	103
Week 2	19	February	92
Week 3	22	March	72
Week 4	14	April	64
Week 5	0	May	71
TOTAL	83	June	79
		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	91
		August	132
		September	134
		October	140
		November	109
		December	83
			1,087
			1,170

b. Total for this month added to running total for previous months

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	2	3	4	3	0	12
Habeas Corpus	0	4	4	0	0	8
Civil Rights (§ 1983)	3	5	4	3	0	8
Other	23	7	10	8	0	48

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	85
Habeas Corpus	52
Civil Rights (§ 1983)	232
Other	801

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	1	4	5	0	0	10
Category II	27	15	17	14	0	73
Photo Copies Only	2	1	0	1	0	4
Forms Only	6	4	4	1	0	15

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	28
Category II	1,142
Photo Copies Only	42
Forms Only	196

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	13	7	4	0	0	24
Per Cent	32%	27%	15%	0%	0%	14%

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number	305
Per Cent	23%

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

	AVERAGE	SHORTEST PERIOD	LONGEST PERIOD
Week 1	14.5	0	60
Week 2	12.8	0	48
Week 3	8.8	0	42
Week 4	5.4	0	8
Week 5	0	0	0

MONTHLY AVERAGE 8.3

b. Average for this month added to running total for previous months.

January	8.0	May	19.9	September	11.0
February	9.7	June	13.2	October	12.2
March	9.7	July	12.1	November	10.0
April	11.5	August	11.0	December	8.3

YEARLY AVERAGE TO DATE 11.4

11. Total hours per week the Law Library was open at this unit.

HOURS	If open for less than 40 hrs/week, please explain		
Week 1	40	1 Day Comp. Time	
Week 2	32		
Week 3	40		
Week 4	16	3 Days HOLIDAY	
Week 5	0	1 Day Week, 1 Day Inventory	

WEEKLY AVERAGE 26 (Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS

Week 1	3.1
Week 2	2.9
Week 3	2.9
Week 4	1.8
Week 5	0

MONTHLY AVERAGE 2.1

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS

Week 1	1.6
Week 2	1.5
Week 3	1.4
Week 4	1.1
Week 5	0

MONTHLY AVERAGE 1.1

c. (CONTINUED ON NEXT PAGE)

12. c. Average duration of appointments for this month to averages for previous months.

MONTHLY AVERAGE		MONTHLY AVERAGE		MONTHLY AVERAGE	
January	<u>1.3</u>	May	<u>1.5</u>	September	<u>1.3</u>
February	<u>1.5</u>	June	<u>1.4</u>	October	<u>1.4</u>
March	<u>1.0</u>	July	<u>1.4</u>	November	<u>1.5</u>
April	<u>1.1</u>	August	<u>1.4</u>	December	<u>1.1</u>

YEARLY AVERAGE TO DATE 1.3

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VALUE

14. Other Comments:

83 inmates used the Law Library.
22 inmates had 142 Notary services.
28 inmates used the Photocopy service.

/S/ Keith Park, LAW LIBRARY SUPERVISOR
(Signature and Title of Respondent)

b. Total for this month added to running total for previous months.

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	19	January	90
Week 2	18	February	87
Week 3	17	March	68
Week 4	0	April	69
Week 5	0	May	61
		June	58
TOTAL		RUNNING TOTAL FOR PREVIOUS MONTHS	
			887
			941

b. Total for this month added to running total for previous months

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	0
Week 2	0	February	0
Week 3	1	March	0
Week 4	0	April	0
Week 5	0	May	1
		June	0
TOTAL	1	RUNNING TOTAL FOR PREVIOUS MONTHS	
			5

b. Total for this month added to running total for previous months

6. a. Total of ALL Inmates using the Law Library. (Combine item #4 & #5 above)

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	19	January	90
Week 2	18	February	87
Week 3	18	March	68
Week 4	0	April	69
Week 5	0	May	62
		June	58
TOTAL	55	RUNNING TOTAL FOR PREVIOUS MONTHS	
			891
			946

b. Total for this month added to running total for previous months

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	1	2	4	0	0	7
Habeas Corpus	1	3	3	0	0	7
Civil Rights (§ 1983)	2	3	5	0	0	10
Other	5	5	11	0	0	21

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	126
Habeas Corpus	127
Civil Rights (§ 1983)	117
Other	414

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	4	4	8	0	0	16
Category II	15	14	10	0	0	39
Photo Copies Only	3	4	6	0	0	13
Forms Only	2	4	8	0	0	14

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	168
Category II	853
Photo Copies Only	85
Forms Only	131

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	0	0	0	0	0	0
Per Cent	0%	0%	0%	0%	0%	0%

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number	116
Per Cent	13%

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

	AVERAGE	SHORTEST PERIOD	LONGEST PERIOD
Week 1	3	1	5
Week 2	4	1	7
Week 3	5	1	10
Week 4	0	0	0
Week 5	0	0	0

MONTHLY AVERAGE 2

b. Average for this month added to running total for previous months.

January	6	May	8
February	6	June	10
March	5	July	8
April	9	August	7
September		September	8
October		October	8
November		November	4
December		December	2

YEARLY AVERAGE TO DATE 6

11. Total hours per week the Law Library was open at this unit.

HOURS		If open for less than 40 hrs/week, please explain
Week 1	40	
Week 2	40	
Week 3	40	
Week 4	0	Holidays-Vacation
Week 5	0	Holidays-Vacation
WEEKLY AVERAGE 24		(Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS

Week 1	2
Week 2	2
Week 3	2
Week 4	0
Week 5	0

MONTHLY AVERAGE 2

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS

Week 1	2:00
Week 2	2:00
Week 3	2:00
Week 4	0
Week 5	0

MONTHLY AVERAGE 2:00

c. (CONTINUED ON NEXT PAGE)

12.c. Actual duration of appointments for his month added to averages for previous months.

MONTHLY AVERAGE		MONTHLY AVERAGE		MONTHLY AVERAGE	
January	1:01	May	1:29	September	1:27
February	1:31	June	1:29	October	1:25
March	1:18	July	1:24	November	1:34
April	1:28	August	1:52	December	2:00
YEARLY AVERAGE TO DATE		1:30			

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VALUE

14. Other Comments:

Sorry report is late—been on vacation during holidays.

(Signature and Title of Respondent)

EXHIBIT JJJ

CUMULATIVE LAW LIBRARY STATISTICS (UNIT) Alamance 4410—December, 1984

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	_____	January	_____
Week 2	_____	February	_____
Week 3	_____	March	_____
Week 4	_____	April	_____
Week 5	_____	May	_____
TOTAL	_____	June	_____
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	_____
		August	_____
		September	_____
		October	_____
		November	_____
		December	9

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	_____	January	_____
Week 2	_____	February	_____
Week 3	_____	March	_____
Week 4	_____	April	_____
Week 5	_____	May	_____
TOTAL	_____	June	_____
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	_____
		August	_____
		September	_____
		October	_____
		November	_____
		December	0

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	_____	January	_____
Week 2	_____	February	_____
Week 3	_____	March	_____
Week 4	_____	April	_____
Week 5	_____	May	_____
TOTAL	_____	June	_____
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	_____
		August	_____
		September	_____
		October	_____
		November	1
		December	0
			1

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	—	January	4
Week 2	—	February	11
Week 3	—	March	3
Week 4	—	April	1
Week 5	—	May	2
TOTAL	—	June	3
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
5. a. Total Inmates transferred in from other units to use the Law Library.		July	3
		August	0
		September	3
		October	2
		November	1
		December	1
			33
			34

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	—	January	—
Week 2	—	February	1
Week 3	—	March	1
Week 4	—	April	1
Week 5	—	May	0
TOTAL	—	June	2
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
6. a. Total of ALL Inmates using the Law Library. (Combine item #4 & #5 above).		July	1
		August	4
		September	0
		October	6
		November	1
		December	1
			17
			18

6. a. Total of ALL Inmates using the Law Library. (Combine item #4 & #5 above).

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	—	January	4
Week 2	—	February	12
Week 3	—	March	4
Week 4	—	April	2
Week 5	—	May	2
TOTAL	—	June	5
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	4
		August	4
		September	3
		October	8
		November	2
		December	2
			50
			52

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	—	—	—	—	—	—
Habeas Corpus	—	—	—	—	—	—
Civil Rights (§ 1983)	—	1	—	—	—	—
Other	1	—	—	—	—	—

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	—
Habeas Corpus	—
Civil Rights (§ 1983)	—
Other	—

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	—	—	—	—	—	—
Category II	1	1	—	—	—	2
Photo Copies Only	—	—	—	—	—	—
Forms Only	2	1	2	—	—	5

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	20
Category II	32
Photo Copies Only	—
Forms Only	18

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	_____	_____	_____	_____	_____	_____
Per Cent	_____	_____	_____	_____	_____	_____

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number _____
 Per Cent 0 _____

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

AVERAGE SHORTEST PERIOD LONGEST PERIOD

Week 1	_____	_____	_____
Week 2	_____	_____	_____
Week 3	_____	_____	_____
Week 4	_____	_____	_____
Week 5	_____	_____	_____

MONTHLY AVERAGE _____

b. Average for this month added to running total for previous months.

January	_____	May	_____	September	_____
February	_____	June	_____	October	_____
March	_____	July	_____	November	_____
April	_____	August	_____	December	_____
YEARLY AVERAGE TO DATE _____					

11. Total hours per week the Law Library was open at this unit.

HOURS	If open for less than 40 hrs/week, please explain
Week 1	_____
Week 2	_____
Week 3	_____
Week 4	_____
Week 5	_____
WEEKLY AVERAGE <u>40</u> (Based on a five day week)	

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS
Week 1
Week 2 <u>40 hrs.</u>
Week 3
Week 4
Week 5
MONTHLY AVERAGE _____

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS
Week 1
Week 2
Week 3
Week 4 <u>31 hrs. 15 min.</u>
Week 5
MONTHLY AVERAGE _____

c. (CONTINUED ON NEXT PAGE)

12.c. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE		MONTHLY AVERAGE		MONTHLY AVERAGE	
January	_____	May	_____	September	_____
February	_____	June	_____	October	_____
March	_____	July	_____	November	_____
April	_____	August	_____	December	_____

YEARLY AVERAGE TO DATE _____

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VALUE
None	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

14. Other Comments:

/S/ EARLENE H. TERRELL
 (Signature and Title of Respondent)

EXHIBIT KKK

CUMULATIVE LAW LIBRARY STATISTICS (UNIT) CAMERON MORRISON YOUTH CENTER—December, 1984

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	—	January	0
Week 2	—	February	0
Week 3	—	March	0
Week 4	—	April	0
Week 5	—	May	0
TOTAL	—	June	0
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	0
		August	0
		September	0
		October	0
		November	0
		December	0
			0

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	—	January	0
Week 2	—	February	0
Week 3	—	March	1
Week 4	—	April	0
Week 5	—	May	0
TOTAL	—	June	0
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	0
		August	0
		September	0
		October	0
		November	0
		December	0
			1
			1

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	8
Week 2	2	February	9
Week 3	0	March	8
Week 4	0	April	12
Week 5	0	May	11
TOTAL	2	June	8
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	4
		August	7
		September	3
		October	4
		November	6
		December	2
			80
			82

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	8
Week 2	5	February	9
Week 3	2	March	11
Week 4	0	April	19
Week 5	0	May	30
TOTAL	7	June	15
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	15
		August	14
		September	4
		October	8
		November	15
		December	7
			148
			155

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	0
Week 2	1	February	1
Week 3	0	March	0
Week 4	0	April	1
Week 5	0	May	0
TOTAL		June	1
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	0
		August	7
		September	1
		October	1
		November	2
		December	1
			14
			15

6. a. Total of ALL Inmates using the Law Library. (Combine item #4 & #5 above).

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	8
Week 2	6	February	9
Week 3	2	March	11
Week 4	0	April	20
Week 5	0	May	30
TOTAL	8	June	16
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	15
		August	21
		September	5
		October	9
		November	17
		December	8
			161
			169

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal						
Habeas Corpus						
Civil Rights (§ 1983)						
Other	0	6	2	0	0	8

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	0
Habeas Corpus	1
Civil Rights (§ 1983)	10
Other	158

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I						
Category II	0	6	2	0	0	8
Photo Copies Only	0	42	0	0	0	42
Forms Only	0	3	2	0	0	5

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	1
Category II	116
Photo Copies Only	82
Forms Only	74

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	0	2	3	0	0	5
Per Cent						

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number	11
Per Cent	

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

	AVERAGE	SHORTEST PERIOD	LONGEST PERIOD
Week 1	<u>0</u>	<u>0</u>	<u>0</u>
Week 2	<u>13</u>	<u>6</u>	<u>19</u>
Week 3	<u>6</u>	<u>1</u>	<u>10</u>
Week 4	<u>0</u>	<u>0</u>	<u>0</u>
Week 5	<u>0</u>	<u>0</u>	<u>0</u>
MONTHLY AVERAGE	<u>4</u>		

b. Average for this month added to running total for previous months.

January	<u>3</u>	May	<u>2</u>	September	<u>2.3</u>
February	<u>2.5</u>	June	<u>1.6</u>	October	<u>3</u>
March	<u>1</u>	July	<u>1.3</u>	November	<u>4</u>
April	<u>.9</u>	August	<u>2</u>	December	<u>4</u>

A-291

YEARLY AVERAGE TO DATE 2.4

11. Total hours per week the Law Library was open at this unit.

If open for less than 40 hrs/week, please explain

HOURS

Week 1	<u>40</u>	
Week 2	<u>40</u>	
Week 3	<u>40</u>	
Week 4	<u>0</u>	CHRISTMAS VACATION
Week 5	<u>0</u>	CHRISTMAS VACATION

WEEKLY AVERAGE 32 (Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS

Week 1	<u>0</u>
Week 2	<u>22</u>
Week 3	<u>6</u>
Week 4	<u>0</u>
Week 5	<u>0</u>

MONTHLY AVERAGE 14

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS

Week 1	<u>0</u>
Week 2	<u>9</u>
Week 3	<u>4½</u>
Week 4	<u>0</u>
Week 5	<u>0</u>

MONTHLY AVERAGE 2.7

c. (CONTINUED ON NEXT PAGE)

12 c. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE		MONTHLY AVERAGE		MONTHLY AVERAGE	
January	1.3	May	1.31	September	1.8
February	5.1	June	.96	October	1.4
March	3.5	July	1.31	November	2.1
April	5.17	August	1.2	December	2.7

YEARLY AVERAGE TO DATE 2.3

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VALUE

14. Other Comments:

/S/

D. Williams, Librarian
(Signature and Title of Respondent)

EXHIBIT LLL

CUMULATIVE LAW LIBRARY STATISTICS (UNIT) Currituck 4120—December, 1984

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	_____	January	_____
Week 2	_____	February	_____
Week 3	_____	March	_____
Week 4	_____	April	_____
Week 5	_____	May	_____
		June	_____
TOTAL	0	RUNNING TOTAL FOR PREVIOUS MONTHS	
			0

b. Total for this month added to running total for previous months

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	_____	January	_____
Week 2	_____	February	_____
Week 3	_____	March	_____
Week 4	_____	April	_____
Week 5	_____	May	_____
		June	_____
TOTAL	0	RUNNING TOTAL FOR PREVIOUS MONTHS	
			0

b. Total for this month added to running total for previous months

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	_____	January	_____
Week 2	_____	February	_____
Week 3	_____	March	_____
Week 4	_____	April	_____
Week 5	_____	May	_____
		June	_____
TOTAL	0	RUNNING TOTAL FOR PREVIOUS MONTHS	
			0

b. Total for this month added to running total for previous months

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS					MONTHLY TOTALS				
Week 1	2	January	22	July	13				
Week 2	2	February	19	August	24				
Week 3	2	March	22	September	13				
Week 4	0	April	14	October	10				
Week 5		May	14	November	13				
		June	19	December					
TOTAL	6	RUNNING TOTAL FOR PREVIOUS MONTHS			183				

b. Total for this month added to running total for previous months

189

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS					MONTHLY TOTALS				
Week 1	2	January	27	July	22				
Week 2	5	February	20	August	12				
Week 3	4	March	14	September	14				
Week 4	4	April	24	October	21				
Week 5		May	20	November	19				
		June	20	December					
TOTAL	15	RUNNING TOTAL FOR PREVIOUS MONTHS			213				

b. Total for this month added to running total for previous months

228

6. a. Total of all Inmates using the Law Library. (Combine item #4 & #5 above).

WEEKLY TOTALS					MONTHLY TOTALS				
Week 1	4	January	49	July	35				
Week 2	7	February	39	August	36				
Week 3	6	March	36	September	27				
Week 4	4	April	38	October	31				
Week 5		May	34	November	32				
		June	39	December					
TOTAL	21	RUNNING TOTAL FOR PREVIOUS MONTHS			396				

b. Total for this month added to running total for previous months

417

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	0	0	0	0		0
Habeas Corpus	0	0	0	0		0
Civil Rights (§ 1983)	0	0	0	0		0
Other	4	7	6	0		17

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	0
Habeas Corpus	0
Civil Rights (§ 1983)	0
Other	385

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	0	0	0	0		0
Category II	4	7	6	4		21
Photo Copies Only	2	14	0	0		16
Forms Only	0	0	0	0		0

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	15
Category II	370
Photo Copies Only	99
Forms Only	3

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	0	0	0	0		0
Per Cent						

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number _____
Per Cent _____

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

	AVERAGE	SHORTEST PERIOD	LONGEST PERIOD
Week 1	1	0	1
Week 2	1	0	5
Week 3	1	0	6
Week 4	1	0	13
Week 5			

MONTHLY AVERAGE 6

b. Average for this month added to running total for previous months.

January	11	May	15	September	7
February	25	June	14	October	9
March	24	July	7	November	8
April	12	August	9	December	

YEARLY AVERAGE TO DATE 133

11. Total hours per week the Law Library was open at this unit.

HOURS		If open for less than 40 hrs/week, please explain
Week 1	40	
Week 2	40	
Week 3	40	
Week 4	16	Christmas holidays
Week 5		
WEEKLY AVERAGE	40	(Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS	
Week 1	6
Week 2	28
Week 3	16
Week 4	16
Week 5	
MONTHLY AVERAGE	66

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS	
Week 1	5½
Week 2	28
Week 3	14
Week 4	14
Week 5	
MONTHLY AVERAGE	61½

c. (CONTINUED ON NEXT PAGE)

12.c. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE		MONTHLY AVERAGE		MONTHLY AVERAGE	
January	<u>112½</u>	May	<u>92½</u>	September	<u>69½</u>
February	<u>116½</u>	June	<u>113</u>	October	<u>97</u>
March	<u>107½</u>	July	<u>101</u>	November	
April	<u>123½</u>	August	<u>75½</u>	December	

YEARLY AVERAGE TO DATE 1,198½

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VALUE
None			

14. Other Comments:

A new Law Library Clerk has been assigned
replacing Calvin Dillard. New inmate is Henry Little.

S. SUE ADKINS, STENO III

(Signature and Title of Respondent)

EXHIBIT MMM

CUMULATIVE LAW LIBRARY STATISTICS (UNIT)—#4145 Martin—June, 1984

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	0
Week 2	0	February	0
Week 3	0	March	0
Week 4	0	April	0
Week 5	0	May	0
TOTAL	0	June	0
Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	0
		August	0
		September	0
		October	0
		November	0
		December	0
			0

b. Total for this month added to running total for previous months

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	0
Week 2	0	February	0
Week 3	0	March	0
Week 4	0	April	0
Week 5	0	May	0
TOTAL	0	June	0
Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	0
		August	0
		September	0
		October	0
		November	0
		December	0
			0

b. Total for this month added to running total for previous months

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	4
Week 2	0	February	2
Week 3	0	March	3
Week 4	2	April	3
Week 5	0	May	4
TOTAL	2	June	2
Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	4
		August	2
		September	4
		October	2
		November	4
		December	3
			35
			37

b. Total for this month added to running total for previous months

CUMULATIVE LAW LIBRARY STATISTICS

4. a. Total Inmates assigned to this unit using the Law Library

WEEKLY TOTALS		MONTHLY TOTALS				
Week 1	0	January	0	July	5	
Week 2	0	February	1	August	2	
Week 3	0	March	3	September	0	
Week 4	0	April	2	October	2	
Week 5	0	May	2	November	3	
		June	0	December	2	
TOTAL	0	RUNNING TOTAL FOR PREVIOUS MONTHS				
					22	
					22	

b. Total for this month added to running total for previous months

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS				
Week 1	0	January	4	July	5	
Week 2	0	February	8	August	2	
Week 3	0	March	4	September	5	
Week 4	2	April	1	October	9	
Week 5	0	May	2	November	2	
		June	2	December	6	
TOTAL	2	RUNNING TOTAL FOR PREVIOUS MONTHS				
					48	
					50	

b. Total for this month added to running total for previous months

6. a. Total of ALL Inmates using the Law Library. (Combine item #4 and #5 above)

WEEKLY TOTALS		MONTHLY TOTALS				
Week 1	0	January	6	July	10	
Week 2	0	February	9	August	4	
Week 3	0	March	7	September	5	
Week 4	2	April	3	October	11	
Week 5	0	May	4	November	5	
		June	2	December	8	
TOTAL	2	RUNNING TOTAL FOR PREVIOUS MONTHS				
					72	
					74	

b. Total for this month added to running total for previous months

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Habeas Corpus	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Civil Rights (§1983)	<u>0</u>	<u>0</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>1</u>
Other	<u>0</u>	<u>0</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>1</u>

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	<u>11</u>
Habeas Corpus	<u>1</u>
Civil Rights (§1983)	<u>21</u>
Other	<u>37</u>

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	<u>0</u>	<u>0</u>	<u>0</u>	<u>2</u>	<u>0</u>	<u>2</u>
Category II	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Photo Copies Only	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Forms Only	<u>0</u>	<u>0</u>	<u>2</u>	<u>0</u>	<u>0</u>	<u>2</u>

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	<u>1</u>
Category II	<u>0</u>
Photo Copies Only	<u>0</u>
Forms Only	<u>32</u>

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	0	0	0	0	0	0
Per Cent	0	0	0	0	0	0

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number	5
Per Cent	2.7%

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

AVERAGE	SHORTEST PERIOD	LONGEST PERIOD
Week 1	0	0
Week 2	0	0
Week 3	3 days	6 days
Week 4	7½ days	9 days
Week 5	0	0

MONTHLY AVERAGE 5¼ days

b. Average for this month added to running total for previous months

January	8 days	May	12½ days	September	7 days
February	7 days	June	5.25 days	October	10 days
March	9.4 days	July	8.2 days	November	9.5 days
April	0 days	August	9.1 days	December	9.5 days
Yearly Average to Date	6.81 Days				

11. Total hours per week the Law Library was open at this unit.

HOURS		If open for less than 40 hrs/week, please explain.
Week 1	_____	OPEN BY REQUEST ONLY
Week 2	_____	
Week 3	_____	
Week 4	_____	
Week 5	_____	
WEEKLY AVERAGE _____		(Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS

Week 1 _____ 0
 Week 2 _____ 0
 Week 3 _____ 0
 Week 4 _____ 0
 Week 5 _____ 0

MONTHLY AVERAGE _____ 0

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS

Week 1 _____ 0
 Week 2 _____ 0
 Week 3 _____ 0
 Week 4 _____ 1 hr. 21 mins.
 Week 5 _____ 0

MONTHLY AVERAGE _____ 1 hr. 21 mins.

c. (CONTINUED ON NEXT PAGE)

12. c. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE		MONTHLY AVERAGE		MONTHLY AVERAGE	
January	<u>4 hrs. 5 mins.</u>	May	<u>3.2 hrs.</u>	September	<u>8 hrs.</u>
February	<u>3 hrs. 13 mins.</u>	June	<u>1 hr. 21 mins.</u>	October	<u>6 hrs. 12 mins.</u>
March	<u>2 hrs.</u>	July	<u>1 hr.</u>	November	<u>1 hrs. 31 mins.</u>
April	<u>30 mins.</u>	August	<u>1 hr. 25 mins.</u>	December	<u>5 hrs. 13 mins.</u>
YEARLY AVERAGE TO DATE		<u>4 hrs. 30 mins.</u>			

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VALUE
NONE			

14. Other Comments:

(Signature and Title of Respondent)

EXHIBIT NNN

CUMULATIVE LAW LIBRARY STATISTICS

UNIT - Odom - #3310 - December, 1984

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	11	January	9
Week 2	16	February	7
Week 3	22	March	3
Week 4	9	April	1
Week 5		May	1
		June	2
TOTAL	58	RUNNING TOTAL FOR PREVIOUS MONTHS	
b. Total for this month added to running total for previous months		July	3
		August	0
		September	0
		October	0
		November	7
		December	58
			24
			82

A-305

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	12	January	9
Week 2	21	February	16
Week 3	7	March	13
Week 4	8	April	16
Week 5		May	14
		June	15
TOTAL	48	RUNNING TOTAL FOR PREVIOUS MONTHS	
b. Total for this month added to running total for previous months		July	3
		August	0
		September	0
		October	0
		November	6
		December	48
			102
			150

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	1	January	4
Week 2	0	February	26
Week 3	0	March	22
Week 4	2	April	6
Week 5		May	5
		June	13
TOTAL	3	RUNNING TOTAL FOR PREVIOUS MONTHS	
b. Total for this month added to running total for previous months		July	0
		August	0
		September	0
		October	0
		November	7
		December	3
			9

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	67	January	179
Week 2	58	February	216
Week 3	53	March	229
Week 4	34	April	198
Week 5		May	234
		June	181
TOTAL	212	RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	234
		August	219
		September	209
		October	259
		November	229
		December	212
			2387
			2599

- b. Total for this month added to running total for previous months

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	0
Week 2	0	February	0
Week 3	0	March	0
Week 4	0	April	0
Week 5		May	0
		June	0
TOTAL	0	RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	0
		August	0
		September	0
		October	0
		November	0
		December	0
			0

- b. Total for this month added to running total for previous months

6. a. Total of ALL Inmates using the Law Library. (Combine item #4 and # 5 above).

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	67	January	179
Week 2	58	February	216
Week 3	53	March	229
Week 4	34	April	198
Week 5		May	234
		June	181
TOTAL	212	RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	234
		August	219
		September	208
		October	259
		November	239
		December	212
			illegible
			illegible

- b. Total for this month added to running total for previous months

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	23	26	8	8	0	66
Habeas Corpus	18	18	21	9	0	66
Civil Rights (§ 1983)	20	11	18	13	0	62
Other	6	3	5	4	0	18

b. Total for this month added to running totals for previous months.

TOTAL FOR YEAR

Criminal Appeal	427
Habeas Corpus	350
Civil Rights (§ 1983)	225
Other	1594

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	1	1	1	1	0	4
Category II	74	61	61	40	0	236
Photo Copies Only	5	4	4	3	0	16
Forms Only	5	6	6	1	0	18

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	88
Category II	2808
Photo Copies Only	241
Forms Only	204

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	8	4	4	7	0	29
Per Cent	10.61	6.4	14	17	0	69.6

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number	302
Per Cent	139.1

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

AVERAGE **SHORTEST PERIOD** **LONGEST PERIOD**

Week 1	1	0	4
Week 2	1	0	4
Week 3	1	0	3
Week 4	1	0	5
Week 5			

MONTHLY AVERAGE 1

b. Average for this month added to running total for previous months.

January	.9
February	.9
March	.8
April	.7

May	1.0
June	.9
July	.9
August	.8

September	.8
October	.8
November	.9
December	1

YEARLY AVERAGE TO DATE .8

11. Total hours per week the Law Library was open at this unit.

If open for less than 40 hrs/week, please explain.

HOURS	
Week 1	40
Week 2	40
Week 3	40
Week 4	24
Week 5	
WEEKLY AVERAGE	26 (Based on a five day week)
Xmas Holidays	

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS	
Week 1	2:00
Week 2	2:00
Week 3	2:00
Week 4	2:00
Week 5	
MONTHLY AVERAGE	2:00

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS	
Week 1	1:59
Week 2	1:55
Week 3	1:53
Week 4	1:47
Week 5	
MONTHLY AVERAGE	1:44

c. (CONTINUED ON NEXT PAGE)

12. c. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE	MONTHLY AVERAGE	MONTHLY AVERAGE
January 1:47	May 1:50	September 1:52
February 1:45	June 1:48	October 1:50
March 1:47	July 1:46	November 1:49
April 1:44	August 1:47	December 1:44

YEARLY AVERAGE TO DATE 1:46

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VALUE

14. Other Comments:

/S/ LEROY DOYLAN

(Signature and Title of Respondent)

EXHIBIT 000

CUMULATIVE LAW LIBRARY STATISTICS (UNIT) Polk Youth Center—December 3, 1984

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	0
Week 2	0	February	0
Week 3	0	March	0
Week 4	0	April	0
Week 5	0	May	0
TOTAL	0	June	0
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	0
		August	0
		September	0
		October	0
		November	0
		December	0
			0

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	0
Week 2	0	February	0
Week 3	0	March	0
Week 4	0	April	0
Week 5	0	May	0
TOTAL	0	June	0
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	0
		August	0
		September	0
		October	0
		November	0
		December	0
			0

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	2
Week 2	3	February	0
Week 3	3	March	3
Week 4	0	April	1
Week 5	1	May	2
TOTAL	7	June	0
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	1
		August	1
		September	3
		October	3
		November	7
		December	16
			23

4. a. Total Inmates assigned to this unit using the Law Library

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	11
Week 2	3	February	10
Week 3	3	March	11
Week 4	2	April	10
Week 5	2	May	7
		June	12
TOTAL	10	RUNNING TOTAL FOR PREVIOUS MONTHS	
			93
			103

b. Total for this month added to running total for previous months

A-312

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	0
Week 2	0	February	0
Week 3	0	March	0
Week 4	0	April	0
Week 5	0	May	0
		June	0
TOTAL	0	RUNNING TOTAL FOR PREVIOUS MONTHS	
			0
			0

b. Total for this month added to running total for previous months

6. a. Total of ALL Inmates using the Law Library. (Combine items #4 and #5 above)

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	11
Week 2	3	February	10
Week 3	3	March	11
Week 4	2	April	10
Week 5	2	May	7
		June	12
TOTAL	10	RUNNING TOTAL FOR PREVIOUS MONTHS	
			93
			103

b. Total for this month added to running total for previous months

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	0	3	3	0	1	7
Habeas Corpus	0	0	0	0	0	0
Civil Rights (§ 1983)	0	0	0	2	1	3
Other	0	0	0	0	0	0

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	44
Habeas Corpus	0
Civil Rights (§ 1983)	36
Other	18

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	0	0	0	0	0	0
Category II	0	3	3	2	2	10
Photo Copies Only	0	0	0	0	0	0
Forms Only	0	0	0	0	0	0

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	0
Category II	82
Photo Copies Only	0
Forms Only	19

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Per Cent	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number	<u>0</u>
Per Cent	<u>0</u>

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

	AVERAGE	SHORTEST PERIOD	LONGEST PERIOD
Week 1	<u>0</u>	<u>0</u>	<u>0</u>
Week 2	<u>0</u>	<u>0</u>	<u>0</u>
Week 3	<u>0</u>	<u>0</u>	<u>0</u>
Week 4	<u>0</u>	<u>0</u>	<u>0</u>
Week 5	<u>0</u>	<u>0</u>	<u>0</u>

MONTHLY AVERAGE 0

b. Average for this month added to running total for previous months

January	<u>0</u>	May	<u>0</u>	September	<u>.8</u>
February	<u>0</u>	June	<u>0</u>	October	<u>.8</u>
March	<u>0</u>	July	<u>0</u>	November	<u>.8</u>
April	<u>0</u>	August	<u>0</u>	December	<u>0</u>

Yearly Average to Date .072

11. Total hours per week the Law Library was open at this unit.

HOURS		If open for less than 40 hrs/week, please explain.
Week 1	40	
Week 2	40	
Week 3	40	
Week 4	40	
Week 5	40	
WEEKLY AVERAGE		40 (Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS	
Week 1	0
Week 2	40
Week 3	50
Week 4	60
Week 5	45
MONTHLY AVERAGE	
	39

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS	
Week 1	0
Week 2	40
Week 3	50
Week 4	60
Week 5	45
MONTHLY AVERAGE	39

CONTINUED ON NEXT PAGE

12. c. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE		MONTHLY AVERAGE		MONTHLY AVERAGE	
		Reported in minutes			
January	39	May	40	September	53
February	52	June	38	October	20
March	29	July	27	November	39
April	46	August	30	December	

YEARLY AVERAGE TO DATE 38

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VOLUME
There was no damage to Law			
Library materials in the			
month of November			

14. Other Comments:

/S/ MAURICE BAKER LIBRARIAN
(Signature and Title of Respondent)

EXHIBIT PPP

CUMULATIVE LAW LIBRARY STATISTICS

(UNIT) ROBERSON 4340, November 24, 1984-DECEMBER 24, 1984

A-317

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS	N/A	MONTHLY TOTALS	N/A
Week 1	_____	January	_____
Week 2	_____	February	_____
Week 3	_____	March	_____
Week 4	_____	April	_____
Week 5	_____	May	_____
TOTAL	_____	June	_____
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	_____
		August	_____
		September	_____
		October	_____
		November	_____
		December	_____

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS	N/A	MONTHLY TOTALS	N/A
Week 1	_____	January	_____
Week 2	_____	February	_____
Week 3	_____	March	_____
Week 4	_____	April	_____
Week 5	_____	May	_____
TOTAL	_____	June	_____
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	_____
		August	_____
		September	_____
		October	_____
		November	_____
		December	_____

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS	N/A	MONTHLY TOTALS	N/A
Week 1	_____	January	_____
Week 2	_____	February	_____
Week 3	_____	March	_____
Week 4	_____	April	_____
Week 5	_____	May	_____
TOTAL	_____	June	_____
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	_____
		August	_____
		September	_____
		October	_____
		November	_____
		December	_____

4. a. Total Inmates assigned to this unit using the Law Library

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	16
Week 2	1	February	19
Week 3	1	March	16
Week 4	2	April	17
Week 5		May	18
TOTAL	4	June	19
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	18
		August	6
		September	7
		October	5
		November	2
		December	4
			583
			587

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	2	January	7
Week 2	0	February	6
Week 3	2	March	7
Week 4	0	April	6
Week 5		May	8
TOTAL	4	June	6
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	10
		August	3
		September	3
		October	10
		November	4
		December	4
			225
			229

3. a. Total of ALL Inmates using the Law Library. (Combine item #4 and #5 above)

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	2	January	16
Week 2	1	February	19
Week 3	3	March	16
Week 4	2	April	17
Week 5		May	18
TOTAL	8	June	19
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	18
		August	6
		September	7
		October	15
		November	6
		December	8
			674
			682

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal						
Habeas Corpus						
Civil Rights (§ 1983)						
Other	<u>2</u>	<u>1</u>	<u>3</u>	<u>2</u>		<u>8</u>

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	<u>1</u>
Habeas Corpus	<u>4</u>
Civil Rights (§ 1983)	<u>92</u>
Other	

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I						
Category II	<u>2</u>	<u>1</u>	<u>3</u>	<u>2</u>		<u>8</u>
Photo Copies Only						
Forms Only						

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	<u>3</u>
Category II	<u>111</u>
Photo Copies Only	<u>1</u>
Forms Only	

11. Total hours per week the Law Library was open at this unit.

HOURS		If open for less than 40 hrs/week, please explain.
Week 1	40	
Week 2	40	
Week 3	40	
Week 4	40	
Week 5		
WEEKLY AVERAGE	40	(Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS	
Week 1	8
Week 2	8
Week 3	8
Week 4	8
Week 5	

MONTHLY AVERAGE 8

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS	
Week 1	4
Week 2	3
Week 3	6
Week 4	5
Week 5	

MONTHLY AVERAGE 4.3

12. c. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE		MONTHLY AVERAGE		MONTHLY AVERAGE	
Reported in minutes		Reported in minutes		Reported in minutes	
January	12.1	May	12.5	September	2.3
February	11.9	June	17.3	October	2.5
March	12.6	July	9.5	November	1.2
April	16.3	August	4.8	December	4.3

YEARLY AVERAGE TO DATE	8.9
1990	8.9
1991	8.9
1992	8.9
1993	8.9
1994	8.9
1995	8.9
1996	8.9
1997	8.9
1998	8.9
1999	8.9
2000	8.9
2001	8.9
2002	8.9
2003	8.9
2004	8.9
2005	8.9
2006	8.9
2007	8.9
2008	8.9
2009	8.9
2010	8.9
2011	8.9
2012	8.9
2013	8.9
2014	8.9
2015	8.9
2016	8.9
2017	8.9
2018	8.9
2019	8.9
2020	8.9
2021	8.9
2022	8.9
2023	8.9
2024	8.9
2025	8.9
2026	8.9
2027	8.9
2028	8.9
2029	8.9
2030	8.9
2031	8.9
2032	8.9
2033	8.9
2034	8.9
2035	8.9
2036	8.9
2037	8.9
2038	8.9
2039	8.9
2040	8.9
2041	8.9
2042	8.9
2043	8.9
2044	8.9
2045	8.9
2046	8.9
2047	8.9
2048	8.9
2049	8.9
2050	8.9
2051	8.9
2052	8.9
2053	8.9
2054	8.9
2055	8.9
2056	8.9
2057	8.9
2058	8.9
2059	8.9
2060	8.9
2061	8.9
2062	8.9
2063	8.9
2064	8.9
2065	8.9
2066	8.9
2067	8.9
2068	8.9
2069	8.9
2070	8.9
2071	8.9
2072	8.9
2073	8.9
2074	8.9
2075	8.9
2076	8.9
2077	8.9
2078	8.9
2079	8.9
2080	8.9
2081	8.9
2082	8.9
2083	8.9
2084	8.9
2085	8.9
2086	8.9
2087	8.9
2088	8.9
2089	8.9
2090	8.9
2091	8.9
2092	8.9
2093	8.9
2094	8.9
2095	8.9
2096	8.9
2097	8.9
2098	8.9
2099	8.9
2100	8.9
2101	8.9
2102	8.9
2103	8.9
2104	8.9
2105	8.9
2106	8.9
2107	8.9
2108	8.9
2109	8.9
2110	8.9
2111	8.9
2112	8.9
2113	8.9
2114	8.9
2115	8.9
2116	8.9
2117	8.9
2118	8.9
2119	8.9
2120	8.9
2121	8.9
2122	8.9
2123	8.9
2124	8.9
2125	8.9
2126	8.9
2127	8.9
2128	8.9
2129	8.9
2130	8.9
2131	8.9
2132	8.9
2133	8.9
2134	8.9
2135	8.9
2136	8.9
2137	8.9
2138	8.9
2139	8.9
2140	8.9
2141	8.9
2142	8.9
2143	8.9
2144	8.9
2145	8.9

13. Damage Report.

[illegible]

14. Other Comments:

S JOE JACOBS LAW LIBRARY CUSTODIAN

(Signature and Title of Respondent)

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number						
Per Cent						
b. Total for this month added to running total for previous months.						

TOTAL FOR YEAR

Number 0
Per Cent

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

AVERAGE		SHORTEST PERIOD		LONGEST PERIOD	
Week 1	30.5	25		36	
Week 2	3	3		3	
Week 3	15	4		21	
Week 4	1	0		2	
Week 5					
MONTHLY AVERAGE	12.3				

b. Average for this month added to running total for previous months

January	3.2	May	12.3	September	5.4
February	4.0	June	4.5	October	7.6
March	9.3	July	7.1	November	3.0
April	7.3	August	7.8	December	12.3
Yearly Average to Date	6.9				

EXHIBIT QQQ

CUMULATIVE LAW LIBRARY STATISTICS (UNIT) WARREN CO., Dec., 1984

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS

Week 1 _____
Week 2 _____
Week 3 _____
Week 4 _____
Week 5 _____

TOTAL _____

MONTHLY TOTALS

January _____
February _____
March _____
April _____
May _____
June _____
July _____
August _____
September _____
October _____
November _____
December _____

RUNNING TOTAL FOR PREVIOUS MONTHS _____

- b. Total for this month added to running total for previous months _____

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS

Week 1 _____
Week 2 _____
Week 3 _____
Week 4 _____
Week 5 _____

TOTAL _____

MONTHLY TOTALS

January _____
February _____
March _____
April _____
May _____
June _____
July _____
August _____
September _____
October _____
November _____
December _____

RUNNING TOTAL FOR PREVIOUS MONTHS _____

- b. Total for this month added to running total for previous months _____

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS

Week 1 0
Week 2 3
Week 3 3
Week 4 1
Week 5 1

TOTAL 8

MONTHLY TOTALS

January 2
February 3
March 2
April 4
May 2
June 0
July _____
August _____
September _____
October _____
November _____
December _____

RUNNING TOTAL FOR PREVIOUS MONTHS _____

- b. Total for this month added to running total for previous months _____

0
7
18
12
8
8
58
66

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	5
Week 2	3	February	14
Week 3	3	March	9
Week 4	1	April	7
Week 5	1	May	8
TOTAL	8	June	9
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	9
		August	10
		September	15
		October	23
		November	8
		December	8
			117
			125

A-324

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	2
Week 2	0	February	0
Week 3	0	March	2
Week 4	0	April	0
Week 5	0	May	2
TOTAL	0	June	0
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	0
		August	2
		September	2
		October	1
		November	0
		December	0
			11
			11

6. a. Total of ALL Inmates using the Law Library. (Combine item #4 and #5 above).

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	5
Week 2	3	February	19
Week 3	3	March	9
Week 4	1	April	7
Week 5	1	May	8
TOTAL	8	June	9
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	9
		August	10
		September	15
		October	23
		November	8
		December	8
			128
			136

Page 3

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal						
Habeas Corpus						
Civil Rights (§ 1983)						
Other	0	3	3	1	1	8

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	
Habeas Corpus	
Civil Rights (§ 1983)	
Other	128

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I						
Category II	0	3	3	1	1	8
Photo Copies Only						
Forms Only						

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	16
Category II	127
Photo Copies Only	8
Forms Only	6

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	—	—	—	—	—	—
Per Cent	—	—	—	—	—	—

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number —
Per Cent —

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

AVERAGE		SHORTEST PERIOD	LONGEST PERIOD
Week 1	—	—	—
Week 2	0	—	—
Week 3	1	—	—
Week 4	3	—	—
Week 5	1	—	—
MONTHLY AVERAGE		.80	

b. Average for this month added to running total for previous months.

January	4.1	May	4.3	September	2.1
February	3.5	June	1.7	October	1
March	2.8	July	3.3	November	2
April	4.3	August	4.8	December	.8
YEARLY AVERAGE TO DATE		2.6			

11. Total hours per week the Law Library was open at this unit.

If open for less than 40 hrs/week, please explain.

HOURS	
Week 1	40
Week 2	40
Week 3	40
Week 4	40
Week 5	40
WEEKLY AVERAGE	40 (Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS	
Week 1	0
Week 2	2
Week 3	3
Week 4	2
Week 5	3
MONTHLY AVERAGE	2.2

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS	
Week 1	0
Week 2	3.3
Week 3	1.1
Week 4	1
Week 5	1.5
MONTHLY AVERAGE	1.3

c. (CONTINUED ON NEXT PAGE)

12. c. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE		MONTHLY AVERAGE		MONTHLY AVERAGE	
January	3.3	May	5.5	September	2.9
February	2.2	June	1.8	October	2.9
March	2.6	July	2.4	November	1.8
April	2.1	August	4.2	December	1.3
YEARLY AVERAGE TO DATE		2.7			

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VALUE

14. Other Comments:

/S/ C. Clarey
(Signature and Title of Respondent)

EXHIBIT RRR

CUMULATIVE LAW LIBRARY STATISTICS (UNIT) Wataga.—December, 1984

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	0
Week 2	0	February	0
Week 3	0	March	0
Week 4	0	April	0
Week 5	0	May	0
		June	0
TOTAL	0	RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	0
		August	0
		September	0
		October	0
		November	0
		December	0
			0

b. Total for this month added to running total for previous months

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	0
Week 2	0	February	0
Week 3	0	March	0
Week 4	0	April	0
Week 5	0	May	0
		June	0
TOTAL	0	RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	0
		August	0
		September	0
		October	0
		November	0
		December	0
			0

b. Total for this month added to running total for previous months

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	1	January	2
Week 2	2	February	0
Week 3	2	March	0
Week 4	1	April	0
Week 5	0	May	4
		June	3
TOTAL	6	RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	4
		August	4
		September	1
		October	5
		November	4
		December	6
			28
			34

b. Total for this month added to running total for previous months

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	<u>1</u>	January	<u>4</u>
Week 2	<u>2</u>	February	<u>5</u>
Week 3	<u>2</u>	March	<u>12</u>
Week 4	<u>1</u>	April	<u>15</u>
Week 5	<u>0</u>	May	<u>14</u>
TOTAL	<u>6</u>	June	<u>8</u>
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	<u>9</u>
		August	<u>8</u>
		September	<u>4</u>
		October	<u>7</u>
		November	<u>3</u>
		December	<u>6</u>
			<u>89</u>
			<u>95</u>

A-330

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	<u>0</u>	January	<u>1</u>
Week 2	<u>0</u>	February	<u>2</u>
Week 3	<u>0</u>	March	<u>0</u>
Week 4	<u>0</u>	April	<u>2</u>
Week 5	<u>0</u>	May	<u>0</u>
TOTAL	<u>0</u>	June	<u>0</u>
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	<u>1</u>
		August	<u>0</u>
		September	<u>0</u>
		October	<u>1</u>
		November	<u>1</u>
		December	<u>0</u>
			<u>8</u>

6. a. Total of ALL Inmates using the Law Library. (Combine item #4 and #5 above).

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	<u>1</u>	January	<u>5</u>
Week 2	<u>2</u>	February	<u>7</u>
Week 3	<u>2</u>	March	<u>12</u>
Week 4	<u>1</u>	April	<u>17</u>
Week 5	<u>0</u>	May	<u>14</u>
TOTAL	<u>6</u>	June	<u>8</u>
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	<u>10</u>
		August	<u>8</u>
		September	<u>4</u>
		October	<u>8</u>
		November	<u>4</u>
		December	<u>6</u>
			<u>97</u>
			<u>103</u>

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal						
Habeas Corpus	1					1
Civil Rights (§ 1983)			1			1
Other		2	1	7		4

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	1
Habeas Corpus	9
Civil Rights (§ 1983)	18
Other	73

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I						
Category II	1	2	2	1		6
Photo Copies Only						
Forms Only						

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	5
Category II	92
Photo Copies Only	
Forms Only	16

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	—	—	—	—	—	0
Per Cent	—	—	—	—	—	0

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number	1
Per Cent	.15

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

AVERAGE	SHORTEST PERIOD	LONGEST PERIOD
Week 1	3	3
Week 2	2	2
Week 3	2	2
Week 4	3	3
Week 5	—	—
MONTHLY AVERAGE		2.5

b. Average for this month added to running total for previous months.

January	1	May	4	September	2.3
February	2	June	2	October	2.3
March	2	July	1	November	2.3
April	2	August	1.2	December	2.5
YEARLY AVERAGE TO DATE		2.05			

Page 5

11. Total hours per week the Law Library was open at this unit.

HOURS	If open for less than 40 hrs/week, please explain.
Week 1 15	Law Clerk works mornings in kitchen.
Week 2 9	
Week 3 9	
Week 4 15	
Week 5	
WEEKLY AVERAGE 12	(Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS

Week 1 .5
 Week 2 1
 Week 3 1
 Week 4 1.5
 Week 5

MONTHLY AVERAGE 1

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS

Week 1 .5
 Week 2 1
 Week 3 1
 Week 4 1.5
 Week 5

MONTHLY AVERAGE 1

c. (CONTINUED ON NEXT PAGE)

12. c. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE		MONTHLY AVERAGE		MONTHLY AVERAGE	
January	1	May	1	September	1.5
February	1	June	1	October	1
March	1	July	1	November	1
April	1	August	1	December	1
YEARLY AVERAGE TO DATE					

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VALUE

14. Other Comments:

/S/ Donall Money - Law Clerk

(Signature and Title of Respondent)

EXHIBIT SSS

CUMULATIVE LAW LIBRARY STATISTICS (UNIT) WCC—#3905—December, 1984

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	_____	January	_____
Week 2	_____	February	_____
Week 3	_____	March	_____
Week 4	_____	April	_____
Week 5	_____	May	_____
TOTAL	_____	June	_____
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	_____
		August	_____
		September	_____
		October	_____
		November	_____
		December	_____

A-335

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	_____	January	_____
Week 2	_____	February	_____
Week 3	_____	March	_____
Week 4	_____	April	_____
Week 5	_____	May	_____
TOTAL	_____	June	_____
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	_____
		August	_____
		September	_____
		October	_____
		November	_____
		December	_____

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	_____	January	_____
Week 2	_____	February	_____
Week 3	_____	March	_____
Week 4	_____	April	_____
Week 5	_____	May	_____
TOTAL	_____	June	_____
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	_____
		August	_____
		September	_____
		October	_____
		November	_____
		December	_____

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	July
Week 2	2	February	August
Week 3	1	March	September
Week 4	0	April	October
Week 5	0	May	November
		June	December
TOTAL	3	RUNNING TOTAL FOR PREVIOUS MONTHS	
b. Total for this month added to running total for previous months			37
			40

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	July
Week 2	0	February	August
Week 3	0	March	September
Week 4	0	April	October
Week 5	0	May	November
		June	December
TOTAL	0	RUNNING TOTAL FOR PREVIOUS MONTHS	
b. Total for this month added to running total for previous months			0
			0

6. a. Total of ALL Inmates using the Law Library. (Combine item #4 and #5 above).

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	July
Week 2	2	February	August
Week 3	1	March	September
Week 4	0	April	October
Week 5	0	May	November
		June	December
TOTAL	0	RUNNING TOTAL FOR PREVIOUS MONTHS	
b. Total for this month added to running total for previous months			37
			40

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal						
Habeas Corpus		2	1			3
Civil Rights (§ 1983)						
Other						
b. Total for this month added to running total for previous months.						

TOTAL FOR YEAR

Criminal Appeal
Habeas Corpus
Civil Rights (§ 1983)
Other

3

37

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I						
Category II		2	1			3
Photo Copies Only						
Forms Only						
b. Total for this month added to running total for previous months.						

TOTAL FOR YEAR

Category I
Category II
Photo Copies Only
Forms Only

9
21

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number						
Per Cent						0
						0

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number	6
Per Cent	16

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

	AVERAGE	SHORTEST PERIOD	LONGEST PERIOD
Week 1			
Week 2	2.5	2 days	.5 days
Week 3	3 days	3 days	
Week 4			
Week 5			
MONTHLY AVERAGE	3 days		

b. Average for this month added to running total for previous months.

January	5.5	May	2.1	September	5
February	2.3	June	1.1	October	2.5
March	1.1	July	1.2	November	0
April	1.2	August	1.2	December	3
Yearly Average to Date					

Page 5

11. Total hours per week the Law Library was open at this unit.

HOURS		If open for less than 40 hrs/week, please explain.
Week 1	32	Workday
Week 2	40	
Week 3	24	Christmas Activities
Week 4	0	Closed
Week 5	0	1 day closed
WEEKLY AVERAGE		20.4 (Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS	
Week 1	
Week 2	1½
Week 3	1½
Week 4	
Week 5	
MONTHLY AVERAGE	1½

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS	
Week 1	
Week 2	20 min.
Week 3	45 min.
Week 4	
Week 5	
MONTHLY AVERAGE	32.5 min.

c. (CONTINUED ON NEXT PAGE)

12. c. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE		MONTHLY AVERAGE		MONTHLY AVERAGE	
January	17.5	May		September	25.7
February	29.8	June		October	31.2
March	41.2	July	21.2	November	0
April	25	August	20	December	20.4

YEARLY AVERAGE TO DATE 25.2

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VALUE
None			

14. Other Comments:

None

/S/ Illegible, Librarian

(Signature and Title of Respondent)

EXHIBIT TTT

CUMULATIVE LAW LIBRARY STATISTICS (UNIT) 3940 Blanch—April, 1985

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	6	January	24
Week 2	9	February	28
Week 3	8	March	20
Week 4	8	April	31
Week 5		May	
		June	
TOTAL	31	RUNNING TOTAL FOR PREVIOUS MONTHS	
			72
			103

b. Total for this month added to running total for previous months

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	3	January	13
Week 2	7	February	16
Week 3	4	March	12
Week 4	5	April	19
Week 5		May	
		June	
TOTAL	19	RUNNING TOTAL FOR PREVIOUS MONTHS	
			41
			60

b. Total for this month added to running total for previous months

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	9	January	32
Week 2	8	February	33
Week 3	9	March	28
Week 4	10	April	36
Week 5		May	
		June	
TOTAL	36	RUNNING TOTAL FOR PREVIOUS MONTHS	
			83
			121

b. Total for this month added to running total for previous months

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	4	January	14
Week 2	3	February	10
Week 3	1	March	5
Week 4	6	April	14
Week 5		May	
TOTAL	14	June	
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	
		August	
		September	
		October	
		November	
		December	
		29	
		43	

A-342

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	5
Week 2	4	February	14
Week 3	5	March	10
Week 4	5	April	14
Week 5		May	
TOTAL	14	June	
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	
		August	
		September	
		October	
		November	
		December	
		29	
		43	

6. a. Total of ALL Inmates using the Law Library. (Combine item #4 and #5 above).

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	4	January	19
Week 2	7	February	24
Week 3	6	March	15
Week 4	11	April	28
Week 5		May	
TOTAL	28	June	
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	
		August	
		September	
		October	
		November	
		December	
		58	
		86	

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	0	1	1	1		3
Habeas Corpus	0	0	0	0		0
Civil Rights (§ 1983)	0	2	0	1		3
Other	4	4	5	9		22

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	8
Habeas Corpus	1
Civil Rights (§ 1983)	17
Other	60

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	0	2	1	0		3
Category II	4	5	5	11		25
Photo Copies Only	N/A	N/A	N/A	N/A	N/A	N/A
Forms Only	N/A	N/A	N/A	N/A	N/A	N/A

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	7
Category II	79
Photo Copies Only	2
Forms Only	4

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	0	0	0	0	N/A	0
Per Cent	N/A	N/A	N/A	N/A	N/A	0%

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR	
Number	13
Per Cent	1.2

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

AVERAGE	SHORTEST PERIOD	LONGEST PERIOD
Week 1	2.5	4
Week 2	7	15
Week 3	6.7	14
Week 4	5	9
Week 5	N/A	N/A

MONTHLY AVERAGE 5.3

b. Average for this month added to running total for previous months.

January	4.8	May	September
February	10.4	June	October
March	5.6	July	November
April	5.3	August	December
Yearly Average to Date	6.5		

11. Total hours per week the Law Library was open at this unit.

HOURS		If open for less than 40 hrs/week, please explain.
Week 1	40	
Week 2	40	
Week 3	40	
Week 4	40	
Week 5	N/A	
WEEKLY AVERAGE	40	(Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS	
Week 1	1.5
Week 2	4.5
Week 3	6.5
Week 4	4.9
Week 5	N/A
MONTHLY AVERAGE	4.4

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS	
Week 1	1.5
Week 2	4.5
Week 3	5.3
Week 4	4.8
Week 5	N/A
MONTHLY AVERAGE	4.0

c. (CONTINUED ON NEXT PAGE)

12. c. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE		MONTHLY AVERAGE		MONTHLY AVERAGE	
January	2.4	May		September	
February	7.7	June		October	
March	11.7	July		November	
April	4.0	August		December	

YEARLY AVERAGE TO DATE 6.5

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VALUE

14. Other Comments:

(Signature and Title of Respondent)

EXHIBIT UUU

Caledonia Correctional Institute Law Library Statistics
Month of April, 1985 Date of Report—May 1, 1985

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS

Week 1	8
Week 2	16
Week 3	20
Week 4	12
Week 5	2

TOTAL 58

b. Total for this month added to running total for previous months

MONTHLY TOTALS

January	40
February	50
March	51
April	58
May	
June	
July	
August	
September	
October	
November	
December	

RUNNING TOTAL FOR PREVIOUS MONTHS

199

1,932

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS

Week 1	13
Week 2	4
Week 3	14
Week 4	11
Week 5	1

TOTAL 43

b. Total for this month added to running total for previous months

MONTHLY TOTALS

January	76
February	51
March	72
April	43
May	
June	
July	
August	
September	
October	
November	
December	

RUNNING TOTAL FOR PREVIOUS MONTHS

242

4,383

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS

Week 1	8
Week 2	5
Week 3	9
Week 4	20
Week 5	5

TOTAL 47

b. Total for this month added to running total for previous months

MONTHLY TOTALS

January	50
February	56
March	56
April	
May	
June	
July	
August	
September	
October	
November	
December	

RUNNING TOTAL FOR PREVIOUS MONTHS

209

6,629

4. a. Total Inmates Assigned to Caledonia using the Law Library.

WEEKLY TOTALS			MONTHLY TOTALS		
Week 1	28		January	130	July
Week 2	33		February	94	August
Week 3	25		March	81	September
Week 4	30		April	128	October
Week 5	12		May		November
			June		December
Totals:	128		Running Totals for this Year:		433
			Running Totals for All Months:		9,474

A-348

5. a. Total Inmates transferred in from other units to use the Law Library.

Week 1	1	Odom	— 1	January	13	July
Week 2	2	Odom	— 2	February	25	August
Week 3	6	Odom	— 4	March	23	September
		Halifax	— 2	April	17	October
Week 4	6	Odom	— 6	May		November
Week 5	2	Odom	— 2	June		December
All totals:	17	Odom	— 15	Running Totals for this Year:		78
		Halifax	— 2	Running Totals for All Months:		1,270
		(All Months)	608			55
			43			3
			475			14
			144			6

6. a. Total of ALL Inmates using the Law Library at Caledonia

WEEKLY TOTALS			MONTHLY TOTALS		
Week 1	29		January	143	July
Week 2	35		February	119	August
Week 3	31		March	104	September
Week 4	36		April	145	October
Week 5	14		May		November
			June		December
Totals:	145		Running Totals for this Year:		511
			Running Totals for All Months:		10,746

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	2	4	3	2	2	13
Habeas Corpus	0	0	0	0	2	2
Civil Rights (§ 1983)	1	1	3	4	0	9
Other	2	8	4	4	0	18

b. Total for this month added to running total for previous months.

	TOTAL FOR YEAR	CUMULATIVE TOTALS:
Criminal Appeal	42	2,215
Habeas Corpus	7	280
Civil Rights (§ 1983)	23	599
Other	80	2,855

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	4	2	8	4	0	18
Category II	25	33	23	32	14	127
Photo Copies Only	8	3	11	6	5	33

b. Total for this month added to running total for previous months.

	TOTAL FOR YEAR	CUMULATIVE TOTALS:
Category I	61	1,272
Category II	450	9,474
Photo Copies Only	115	2,598

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	2	1	5	5	2	15
Per Cent	6%	2%	13%	12%	12%	9%

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR CUMULATIVE TOTALS:

Number	53	1,482
Per Cent	9%	12%

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

AVERAGE		SHORTEST PERIOD	LONGEST PERIOD
Week 1	5 Days	1 Day	21 Days
Week 2	4 Days	1 Day	14 Days
Week 3	5 Days	1 Day	27 Days
Week 4	6 Days	1 Day	31 Days
Week 5	6 Days	3 Days	19 Days
MONTHLY AVERAGE		5 Days	

b. Average for this month added to running total for previous months.

January	4 Days	May	September
February	6 Days	June	October
March	6 Days	July	November
April	5 Days	August	December
Yearly Average to Date		5 Days	

11. Total hours per week the Law Library was open at this unit.

HOURS		If open for less than 40 hrs/week, please explain.
Week 1	40 Hours	
Week 2	32 Hours	
Week 3	38 Hours	Closed 1 Day—Holiday
Week 4	40 Hours	Closed 2 Hours—Second shift failed to open for scheduled appointment
Week 5	16 Hours	The Month ended on a Tuesday
WEEKLY AVERAGE	38 Hours	(Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS	
Week 1	2 Hours 10 Minutes
Week 2	2 Hours 5 Minutes
Week 3	2 Hours 45 Minutes
Week 4	2 Hours 20 Minutes
Week 5	2 Hours 15 Minutes

MONTHLY AVERAGE *2 Hours 20 Minutes (*Based on the 4-5 Day weeks.)

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS	
Week 1	1 Hour 35 Minutes
Week 2	1 Hour 40 Minutes
Week 3	2 Hours 15 Minutes
Week 4	1 Hour 40 Minutes
Week 5	1 Hour 45 Minutes

MONTHLY AVERAGE 1 Hour 45 Minutes* (*Based on the 4 -five day weeks)

c. (CONTINUED ON NEXT PAGE)

12. c. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE		MONTHLY AVERAGE	MONTHLY AVERAGE
January	1 Hour 35 Min.	May	September
February	1 Hour 50 Min.	June	October
March	2 Hours 10 Min.	July	November
April	1 Hour 45 Min.	August	December

A-352

YEARLY AVERAGE TO DATE 1 Hour 50 Minutes

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VALUE
None this Month:			

14. Other Comments:

/s/ Daniel S. Durham

 (Signature and Title of Respondent)
 Daniel G Durham Law Library Supervisor

EXHIBIT VVV

CUMULATIVE LAW LIBRARY STATISTICS Full (UNIT) CENTRAL PRISON #3100—MAY, 1985 MAIN LAW LIBRARY

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS

Week 1	14
Week 2	65
Week 3	74
Week 4	85
Week 5	82

TOTAL 320

b. Total for this month added to running total for previous months

MONTHLY TOTALS

January	254	July	
February	300	August	
March	240	September	
April	323	October	
May	320	November	
June		December	

RUNNING TOTAL FOR PREVIOUS MONTHS

1,117

1,437

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS

Week 1	12
Week 2	52
Week 3	58
Week 4	71
Week 5	65

TOTAL 258

b. Total for this month added to running total for previous months

MONTHLY TOTALS

January	212	July	
February	241	August	
March	196	September	
April	248	October	
May	258	November	
June		December	

RUNNING TOTAL FOR PREVIOUS MONTHS

897

1,155

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS

Week 1	14
Week 2	68
Week 3	72
Week 4	77
Week 5	78

TOTAL 309

b. Total for this month added to running total for previous months

MONTHLY TOTALS

January	244	July	
February	278	August	
March	234	September	
April	308	October	
May	309	November	
June		December	

RUNNING TOTAL FOR PREVIOUS MONTHS

1,064

1,373

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS			MONTHLY TOTALS		
Week 1	9		January	172	July
Week 2	46		February	193	August
Week 3	46		March	147	September
Week 4	61		April	210	October
Week 5	61		May	223	November
			June		December
TOTAL	223		RUNNING TOTAL FOR PREVIOUS MONTHS		
				722	
				945	

b. Total for this month added to running total for previous months

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS			MONTHLY TOTALS		
Week 1	0		January	0	July
Week 2	0		February	0	August
Week 3	0		March	0	September
Week 4	0		April	0	October
Week 5	0		May		November
			June		December
TOTAL	0		RUNNING TOTAL FOR PREVIOUS MONTHS		
				0	
				0	

b. Total for this month added to running total for previous months

6. a. Total of ALL Inmates using the Law Library.

WEEKLY TOTALS			MONTHLY TOTALS		
Week 1	9		January	172	July
Week 2	46		February	193	August
Week 3	46		March	147	September
Week 4	61		April	210	October
Week 5	61		May	223	November
			June		December
TOTAL	223		RUNNING TOTAL FOR PREVIOUS MONTHS		
				722	
				945	

b. Total for this month added to running total for previous months

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	1	6	7	6	8	28
Habeas Corpus	3	16	19	25	23	86
Civil Rights (§ 1983)	1	5	7	7	5	25
Other	2	8	7	8	8	33

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	145
Habeas Corpus	352
Civil Rights (§ 1983)	95
Other	116

A-355

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	0	0	0	0	0	0
Category II	9	46	46	61	61	223
Photo Copies Only	2	7	10	17	13	49
Forms Only	8	32	40	55	57	192

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	7
Category II	938
Photo Copies Only	201
Forms Only	799

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	2	11	6	15	17	51
Per Cent	22%	24%	13%	25%	28%	23%

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number	237
Per Cent	25%

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

LONGEST PERIOD

SHORTEST PERIOD

AVERAGE

Week 1	1.0 Days	1	1
Week 2	2.3 Days	1	6
Week 3	2.0 Days	1	5
Week 4	2.2 Days	1	7
Week 5	1.9 Days	1	5

MONTHLY AVERAGE 1.9

b. Average for this month added to running total for previous months.

January	4.5 Days	May	1.9	September
February	3.9 Days	June		October
March	4.1 Days	July		November
April	3.5 Days	August		December

Yearly Average to Date 3.6

11. Total hours per week the Law Library was open at this unit.

HOURS		If open for less than 40 hrs/week, please explain.
Week 1	40 Hrs.	
Week 2	40 Hrs.	
Week 3	40 Hrs.	
Week 4	40 Hrs.	
Week 5	40 Hrs.	
WEEKLY AVERAGE		40 Hrs. (Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS	
Week 1	1.5 Hrs.
Week 2	1.5 Hrs.
Week 3	1.5 Hrs.
Week 4	1.5 Hrs.
Week 5	1.5 Hrs.

MONTHLY AVERAGE 1.5 Hrs.

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS	
Week 1	1.33 Hrs.
Week 2	1.16 Hrs.
Week 3	1.30 Hrs.
Week 4	1.32 Hrs.
Week 5	1.24 Hrs.

MONTHLY AVERAGE 1.27 Hrs.

c. (CONTINUED ON NEXT PAGE)

12. c. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE	MONTHLY AVERAGE	MONTHLY AVERAGE
January <u>1.34 Hrs.</u>	May <u>1.27 Hrs.</u>	September _____
February <u>1.35 Hrs.</u>	June _____	October _____
March <u>1.39 Hrs.</u>	July _____	November _____
April <u>1.29 Hrs.</u>	August _____	December _____

YEARLY AVERAGE TO DATE 1.33 Hrs.

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VALUE
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

14. Other Comments:

(Signature and Title of Respondent)

87-1972

(2)

Supreme Court, U.S.

FILED

JUN 1 1988

No. _____

ROBERT F. SPANGLER, JR.
CLERK

IN THE
Supreme Court of the United States
OCTOBER TERM 1987

VERNON LEE BOUNDS, *et al.*,

Petitioners,

v.

ROBERT (BOBBY) SMITH, *et al.*,

Respondents.

**PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

**APPENDIX
VOLUME II**

LACY H. THORNBURG

Attorney General of
North Carolina

Andrew A. Vanore, Jr.

Chief Deputy Attorney General

Sylvia Thibaut

Assistant Attorney General

N.C. Department of Justice

P.O. Box 629

Raleigh, N.C. 27602

Telephone: (919) 733-7188

ATTORNEYS FOR PETITIONERS



INDEX TO APPENDICES

VOLUME I	Page No.
Appendix A. <i>Harrington v. Holshouser</i> , No. 79-6254 (4th Cir. May 14, 1979) [unpublished].	A-1
Appendix B. <i>Harrington v. Holshouser</i> , 741 F.2d 66 (4th Cir. 1984).	A-6
Appendix C. <i>Smith v. Bounds</i> , 813 F.2d 1299 (4th Cir. 1987).	A-14
Appendix D. <i>Smith v. Bounds</i> , 841 F.2d 77 (4th Cir. 1988).	A-28
Appendix E. 42 U.S.C. § 1983.	A-39
Appendix F. First Amendment, United States Constitution.	A-39
Appendix G. Fourteenth Amendment, Section 1, United States Constitution.	A-39
Appendix H. Rule 60, Federal Rules of Civil Procedure.	A-40
Appendix I. District court order of 21 December 1984 directing defendants within 30 days to come forward with evidence of compliance with three issues remanded by Fourth Circuit in <i>Harrington v. Holshouser</i> , 741 F.2d 66 (4th Cir. 1984).	A-42
Appendix J. District court order and opinion of 14 May 1985 vacating defendants' law library plan and directing both parties to file plans to replace law libraries with licensed attorneys.	A-51
Appendix K. 29 May 1985 letter advising district court of appointment of new counsel for defendants.	A-69
Appendix L. Defendants' 13 June 1985 initial motion for reconsideration of district court's 14 May 1985 order. Attached to this motion were the affidavits of Jacob L. Safron, Lacy H. Thornburg, Barbara A. Shaw, Michael Lamm, Maurice R. Baker, Aaron J. Johnson, Nathaniel O. Boykin, and Jerry M. Price.	A-70

Appendix M.	Affidavit of Jacob L. Safron, who admits that he negligently failed to respond to the district court's 21 December 1984 order; offers his abject apology for this failure; admits that no one authorized him to so act; and states that the defendants had actively prepared the documents he needed to timely respond. . . .	A-72
Appendix N.	Affidavit of Lacy H. Thornburg, noting that his staff consists of 124 attorneys and that he was not aware of Mr. Safron's inexcusable neglect until the district court order of 14 May 1985.	A-74
Appendix O.	Affidavit of Barbara A. Shaw, Department of Correction employee, who gathered the evidence to show defendants' compliance with their law library plan and informed Mr. Safron that such evidence was available for him.	A-76
Appendix P.	Affidavit of Michael Lamm, employee in charge of the law libraries at Central Prison, who attached to his affidavit evidence that the law libraries at Central Prison are in full compliance.	A-89
Appendix Q.	Affidavit of Maurice R. Baker, employee in charge of the law library at Polk Youth Center, who testifies that the law library at Polk Youth Center is in full compliance. . . .	A-103
Appendix R.	Affidavit of Aaron J. Johnson, Secretary of the North Carolina Department of Correction since 5 January 1985, who testifies concerning full compliance with respect to the photocopy issue as evidenced by selected copies of photocopy logs.	A-106

- Appendix S. Affidavit of Nathaniel O. Boykin, Head Librarian for the Department of Correction, who oversees the operation of all libraries and law library workshops for the training of law library clerks, and who testifies concerning full compliance with the training of inmate paralegals, as evidenced by attachments to his affidavit. A-138
- Appendix T. Affidavit of Jerry M. Price, supervisor and administrator of all the defendants' law libraries, who testifies concerning full compliance with the training of inmate paralegals, full compliance with inmate requests and use of the law libraries, as evidenced by attachments to his affidavit, including cumulative law library statistic reports for 1984 and part of 1985, and full compliance with photocopies for inmates, as evidenced by photocopy logs attached to his affidavit. ... A-170

VOLUME II (Start Page A-359, Exh. XXX to App. T)

- Appendix U. District court order of 29 July 1985 denying defendants' initial motion for reconsideration. A-570
- Appendix V. Affidavit of Aaron Johnson dated 16 August 1985 stating that he had no reason to suspect that Mr. Safron was not properly responding to the district court order of 21 December 1984 to show compliance. A-574
- Appendix W. Affidavit of Ben Irons, Chief Legal Advisor to the Secretary of Correction, dated 9 August 1985, who testifies that he required the defendants to compile material to show compliance pursuant to the 21 December 1984 order and appointed Barbara Shaw to provide that material to Mr. Safron and was not aware of Mr. Safron's inexcusable neglect until the district court order of 14 May 1985. A-576

Appendix X.	Defendants' 10 December 1985 renewed motion for reconsideration, pointing out to the district court the reversal of <i>Hooks v. Wainwright</i> , 536 F. Supp. 1330 (M.D.Fla. 1982), rev., 775 F.2d 1433 (11th Cir. 1985).	A-580
Appendix Y.	District court order of 13 January 1986 denying defendants' renewed motion for reconsideration.	A-585
Appendix Z.	Defendants' 13 February 1986 second renewed motion for reconsideration.	A-587
Appendix AA.	District court order of 11 March 1986 denying defendants' second renewed motion for reconsideration.	A-590
Appendix BB.	District court judgment of 10 April 1986 ordering licensed attorneys to replace law libraries.	A-596
Appendix CC.	Defendants' notice of appeal.	A-598

EXHIBIT XXX

CORE (UNIT) CENTRAL PRISON #3100 MAY, 1985
MAXIMUM SECURITY LAW LIBRARY

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS

Week 1	8
Week 2	28
Week 3	19
Week 4	26
Week 5	31

TOTAL 112

MONTHLY TOTALS

January	117	July	
February	126	August	
March	96	September	
April	134	October	
May	112	November	
June		December	

RUNNING TOTAL FOR PREVIOUS MONTHS

473

b. Total for this month added to running total for previous months

585

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS

Week 1	5
Week 2	18
Week 3	18
Week 4	20
Week 5	22

TOTAL 83

MONTHLY TOTALS

January	90	July	
February	94	August	
March	74	September	
April	92	October	
May	83	November	
June		December	

RUNNING TOTAL FOR PREVIOUS MONTHS

350

b. Total for this month added to running total for previous months

433

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS

Week 1	7
Week 2	25
Week 3	19
Week 4	25
Week 5	26

TOTAL 102

MONTHLY TOTALS

January	101	July	
February	118	August	
March	98	September	
April	134	October	
May	102	November	
June		December	

RUNNING TOTAL FOR PREVIOUS MONTHS

451

b. Total for this month added to running total for previous months

553

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	4	January	65
Week 2	19	February	74
Week 3	17	March	60
Week 4	18	April	77
Week 5	20	May	78
TOTAL	78	June	
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	276
		August	354
		September	
		October	
		November	
		December	

A-360

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	0
Week 2	0	February	0
Week 3	0	March	0
Week 4	0	April	0
Week 5	0	May	0
TOTAL	0	June	
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	0
		August	0
		September	
		October	
		November	
		December	

b. Total for this month added to running total for previous months

6. a. Total of ALL Inmates using the Law Library. (Combine item #4 and #5 above).

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	4	January	65
Week 2	19	February	74
Week 3	17	March	60
Week 4	18	April	77
Week 5	20	May	78
TOTAL	78	June	
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	276
		August	354
		September	
		October	
		November	
		December	

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	1	5	1	1	2	10
Habeas Corpus	1	3	4	4	4	16
Civil Rights (§ 1983)	1	3	4	5	7	20
Other	0	0	0	2	2	4

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	69
Habeas Corpus	82
Civil Rights (§ 1983)	74
Other	46

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	0	0	0	1	1	2
Category II	4	19	17	17	19	76
Photo Copies Only	2	2	6	3	1	14
Forms Only	2	17	15	16	18	68

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	5
Category II	791
Photo Copies Only	88
Forms Only	304

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	1	8	8	6	5	28
Per Cent	25%	42%	47%	33%	25%	36%

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number 83
Per Cent 23%

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

AVERAGE SHORTEST PERIOD LONGEST PERIOD

Week 1	3.7 Days	3	4
Week 2	6.1 Days	2	8
Week 3	7.1 Days	4	10
Week 4	5.9 Days	0	8
Week 5	6.8 Days	0	8

MONTHLY AVERAGE 5.9 Days

b. Average for this month added to running total for previous months.

January	<u>5.3 Days</u>	May	<u>5.9 Days</u>	September
February	<u>5.6 Days</u>	June		October
March	<u>9.4 Days</u>	July		November
April	<u>6.3 Days</u>	August		December

Yearly Average to Date 6.5 Days

11. Total hours per week the Law Library was open at this unit.

HOURS		If open for less than 40 hrs/week, please explain.
Week 1	40 Hrs.	
Week 2	40 Hrs.	
Week 3	40 Hrs.	
Week 4	40 Hrs.	
Week 5	40 Hrs.	
WEEKLY AVERAGE		40 Hrs. (Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS	
Week 1	1.5 Hrs.
Week 2	1.5 Hrs.
Week 3	1.5 Hrs.
Week 4	1.5 Hrs.
Week 5	1.5 Hrs.

MONTHLY AVERAGE 1.5 Hrs.

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS	
Week 1	1.50 Hrs.
Week 2	1.22 Hrs.
Week 3	1.46 Hrs.
Week 4	1.36 Hrs.
Week 5	1.20 Hrs.

MONTHLY AVERAGE 1.35 Hrs.

c. (CONTINUED ON NEXT PAGE)

MONTHLY AVERAGE	MONTHLY AVERAGE	MONTHLY AVERAGE
January	1.40 Hrs.	
February	1.34 Hrs.	September
March	1.42 Hrs.	October
April	1.39 Hrs.	November
		December
YEARLY AVERAGE TO DATE	1.38 Hrs.	

13. Damage Report.

[illegible]

(Signature and Title of Respondent)

EXHIBIT YYY

CUMULATIVE LAW LIBRARY STATISTICS

Craggy - April 1985

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	2	September	14
Week 2	0	October	28
Week 3	15	November	
Week 4	11	December	
		January	34
		February	58
TOTAL	28	March	
		April	
		May	
		June	
		July	
		August	106
		TOTAL	134

- b. Total for this month added to running total for previous months

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	2	September	9
Week 2	0	October	13
Week 3	11	November	
Week 4	0	December	
		January	22
		February	111
TOTAL	13	March	
		April	
		May	
		June	
		July	
		August	142
		TOTAL	155

- b. Total for this month added to running total for previous months

3. a. Title 3 The North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	2	September	53
Week 2	7	October	28
Week 3	4	November	
Week 4	15	December	
		January	51
		February	90
TOTAL	28	March	
		April	
		May	
		June	
		July	
		August	194
		TOTAL	222

- b. Total for this month added to running total for previous months

Page 2

4. a. Total inmates using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	11	September	
Week 2	15	October	
Week 3	13	November	
Week 4	21	December	
		January	41
		February	112
TOTAL	60	March	64
		April	60
		May	
		June	
		July	
		August	217
		TOTAL	277

b. This month's total added to running total for previous months

5. a. Inmates transferred to use the Law Library:

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	1	September	
Week 2	4	October	
Week 3	0	November	
Week 4	7	December	
		January	7
		February	26
TOTAL	12	March	4
		April	12
		May	
		June	
		July	
		August	47
		TOTAL	59

b. This month's total added to running total for previous months:

6. a. Total of all inmates using the Law Library:

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	11	September	
Week 2	15	October	
Week 3	13	November	
Week 4	21	December	
		January	41
		February	112
TOTAL	60	March	64
		April	60
		May	
		June	
		July	
		August	217
		TOTAL	277

b. This month's total added to running total for previous months

Page 3

7. a. Type of Research

	Week 1	Week 2	Week 3	Week 4	TOTAL
Criminal Appeal	2	1	0	0	3
Habeas Corpus	0	1	5	4	10
Civil Rights (§ 1983)	0	2	1	7	10
Other	9	11	7	10	37

b. This month's total added to running total for previous months.

Criminal Appeal	55
Habeas Corpus	30
Civil Rights (§ 1983)	48
Other	144

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	TOTAL
Category I	1	0	0	4	5
Category II	10	15	13	17	55
Photo Copies Only					

b. This month's total added to running total for previous months.

Category I	67
Category II	210
Photo Copies Only	

9. a. Number and per cent of inmates who failed to appear:

	Week 1	Week 2	Week 3	Week 4	TOTAL
Number	0	0	2	1	3
Percent	0	0	13.2	4.5	5.0

b. This month's total added to running total for previous months.

Number	10
Percent	2.8

10. a. Time lapse before use of the library after request #223 has been filed.

Week 1	2.8
Week 2	5.5
Week 3	2.5
Week 4	4.5
Average	4.1

b. This month's total added to running total for previous months.

September	January	4.3	May
October	February	2.2	June
November	March	1.9	July
December	April	4.1	August

A-368

11. a. How many hours per week is the library open:

Week 1	40 Hrs.
Week 2	40 Hrs.
Week 3	40 Hrs.
Week 4	40 Hrs.
Average	40 Hrs.

12. a. Duration of appointments as scheduled:

Week 1	4 Hrs.
Week 2	4 Hrs.
Week 3	4 Hrs.
Week 4	4 Hrs.
Average	4 Hrs.

12. b. Actual duration of appointments:

Week 1	4 Hrs.
Week 2	4 Hrs.
Week 3	4 Hrs.
Week 4	4 Hrs.
Average	4 Hrs.

c. Duration of appointments for previous months:

September		January	4 Hrs.	May	
October		February	4 Hrs.	June	
November		March	4 Hrs.	July	
December		April	4 Hrs.	August	
Yearly Average	4 Hrs.				

13. Damage Report.

[illegible]

EXHIBIT ZZZ

CUMULATIVE LAW LIBRARY STATISTICS

Franklin County Law Library - April 1985

1. a. Title 1—Federal Reporter and Federal Supplement

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	2	September	March
Week 2	3	October	April
Week 3	0	November	May
Week 4	1	December	June
Week 5	0	January	July
		February	August
TOTAL	6	RUNNING TOTAL	
b. Total for this month added to running total for previous months			20
			6
			67
			73

2. a. The North Carolina Reporter & North Carolina Court of Appeals

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	2	September	March
Week 2	5	October	April
Week 3	7	November	May
Week 4	1	December	June
Week 5	0	January	July
		February	August
TOTAL	15	RUNNING TOTAL	
b. Total for this month added to running total for previous months			22
			15
			45
			60

3. a. The North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	3	September	March
Week 2	0	October	April
Week 3	4	November	May
Week 4	1	December	June
Week 5	2	January	July
		February	August
TOTAL	10	RUNNING TOTAL	
b. Total for this month added to running total for previous months			19
			10
			39
			40

4. a. Strong's North Carolina Index

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	September	
Week 2	0	October	
Week 3	0	November	
Week 4	0	December	
Week 5	1	January	0
TOTAL	1	February	1
RUNNING TOTAL		March	5
		April	1
		May	
		June	
		July	
		August	
			6
			7

b. Total for this month added to running total for previous months

5. a. Other

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	September	
Week 2	0	October	
Week 3	3	November	
Week 4	1	December	
Week 5	0	January	7
TOTAL	4	February	4
RUNNING TOTAL		March	3
		April	4
		May	
		June	
		July	
		August	
			14
			18

b. Total for this month added to running total for previous months

6. a. Total Inmates using the Law Library at this Unit

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	9	September	
Week 2	14	October	
Week 3	10	November	
Week 4	6	December	
Week 5	6	January	42
TOTAL	45	February	34
RUNNING TOTAL		March	46
		April	45
		May	
		June	
		July	
		August	
			122
			167

b. Total for this month added to running total for previous months

7. a. Inmates transferred to use the Law Library

WEEKLY TOTALS

Week 1	0
Week 2	2
Week 3	5
Week 4	3
Week 5	2
TOTAL	12

MONTHLY TOTALS

September		March	11
October		April	12
November		May	
December		June	
January	15	July	
February	9	August	
RUNNING TOTAL			35
			47

b. This month's total added to running total for previous months

A-372

8. a. Total of all inmates using the Law Library

WEEKLY TOTALS

Week 1	9
Week 2	16
Week 3	15
Week 4	9
Week 5	8
TOTAL	57

MONTHLY TOTALS

September		March	57
October		April	57
November		May	
December		June	
January	57	July	
February	43	August	
RUNNING TOTAL			157
			214

b. This month's total added to running total for previous months

Page 4

9. a. TYPE OF RESEARCH

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	2	8	5	6	4	25
Habeas Corpus	0	0	0	0	0	0
Civil Rights (§ 1983)	1	5	5	3	3	17
Other	6	3	5	0	1	15

b. This month's total added to running total for previous months.

Criminal Appeal	98 + 25 = 123
Habeas Corpus	7 + 0 = 7
Civil Rights (§ 1983)	24 + 17 = 41
Other	18 + 15 = 33

10. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	0	0	0	1	2	3
Category II	9	16	15	8	6	54
Photo Copies Only	0	110	28	69	179	386
Forms Only	29	68	92	63	32	284

b. This month's total added to running total for previous months.

Category I	11 + 3 = 14
Category II	136 + 54 = 190
Photo Copies Only	279 + 386 = 665
Forms Only	822 + 284 = 1106

11. a. Number and per cent of inmates who failed to appear:

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	0	0	0	0	0	
Percent						

b. This month's total added to running total for previous months.

Number	0
Percent	0

12. a. Time lapse before use of the library after request #227 has been filed at inmate's unit.

AVERAGE	LONGEST PERIOD	SHORTEST PERIOD
Week 1	same day	same day
Week 2	1 1/4 days	same day
Week 3	same day	same day
Week 4	same day	same day
Week 5	same day	same day
Average	one day	same day

- b. This month's total added to running total for previous months.

September	January	1 1/2 days	May
October	February	same day	June
November	March	1 day	July
December	April	1 day	August
YEARLY AVERAGE			

13. How many hours per week is the library open

If open for less than 40 hrs/week, please explain.

Week 1	32	vacation day
Week 2	40	
Week 3	40	
Week 4	40	
Week 5	16	last two days of month
Average	33 hours	

14. Duration of appointments as scheduled.

Week 1	12	Average	36
Week 2	58		
Week 3	28		
Week 4	29		
Week 5	27		

14. b. Actual duration of appointments:

Week 1	12 1/2
Week 2	147 1/2
Week 3	59
Week 4	29 1/2
Week 5	17 1/2
Average	33

c. Duration of appointments for previous months:

September	January	26	May
October	February	21	June
November	March	47	July
December	April	33	August

Yearly Average

15. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VALUE
NO damage noted.			

Have a GOOD day

EXHIBIT AAAA

CUMULATIVE LAW LIBRARY STATISTICS (UNIT) HARNETT YOUTH CENTER, April 1985

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS

Week 1	0
Week 2	1
Week 3	1
Week 4	0
Week 5	N/A

TOTAL 2

b. Total for this month added to running total for previous months

MONTHLY TOTALS

January	'3	July
February	2	August
March	5	September
April	2	October
May		November
June		December

RUNNING TOTAL FOR PREVIOUS MONTHS

10

12

A-376

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS

Week 1	0
Week 2	1
Week 3	0
Week 4	2
Week 5	N/A

TOTAL 3

b. Total for this month added to running total for previous months

MONTHLY TOTALS

January	1	July
February	15	August
March	10	September
April	3	October
May		November
June		December

RUNNING TOTAL FOR PREVIOUS MONTHS

26

29

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS

Week 1	5
Week 2	10
Week 3	9
Week 4	13
Week 5	N/A

TOTAL 37

b. Total for this month added to running total for previous months

MONTHLY TOTALS

January	12	July
February	40	August
March	33	September
April	37	October
May		November
June		December

RUNNING TOTAL FOR PREVIOUS MONTHS

85

122

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	5	January	16
Week 2	11	February	38
Week 3	6	March	33
Week 4	13	April	35
Week 5	N/A	May	
		June	
TOTAL	35	RUNNING TOTAL FOR PREVIOUS MONTHS	
			87
			122

b. Total for this month added to running total for previous months

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	1	January	0
Week 2	0	February	0
Week 3	0	March	0
Week 4	0	April	1
Week 5	N/A	May	
		June	
TOTAL	1	RUNNING TOTAL FOR PREVIOUS MONTHS	
			0
			1

b. Total for this month added to running total for previous months

6. a. Total of ALL Inmates using the Law Library. (Combine item #4 and #5 above).

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	6	January	16
Week 2	11	February	38
Week 3	6	March	33
Week 4	13	April	36
Week 5	N/A	May	
		June	
TOTAL	36	RUNNING TOTAL FOR PREVIOUS MONTHS	
			87
			123

b. Total for this month added to running total for previous months

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	0	2	0	2	N/A	4
Habeas Corpus	0	1	0	0		1
Civil Rights (§1983)	1	1	1	0		3
Other	5	7	5	11		28

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	17
Habeas Corpus	5
Civil Rights (§1983)	11
Other	90

A-378

8 a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	1	1	0	0	N/A	2
Category II	5	10	6	13		34
Photo copies	1	1	2	1		5
Forms Only	0	0	0	1		1

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	5
Category II	116
Photo Copies Only	7
Forms Only	2

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	1	1	0	1	N/A	3
Per Cent	14.29	8.33	0	7.14		7.69

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number	7
Per Cent	5.38

10 a. Time lapse before use of the Law Library after DC Form 223 has been filed.

	AVERAGE	SHORTEST PERIOD	LONGEST PERIOD
Week 1	3.33	0	9
Week 2	1.91	0	7
Week 3	3.50	1	6
Week 4	2.38	0	5
Week 5	N/A		

MONTHLY AVERAGE 2.78

b. Average for this month added to running total for previous months

January	3.05	May	September
February	3.22	June	October
March	2.85	July	November
April	2.78	August	December

Yearly Average to Date 2.98

11. Total hours per week the Law Library was open at this unit.

HOURS		If Open for less than 40 hrs/week, please explain.
Week 1	7.00	Out of 12 scheduled hours of appointments
Week 2	9.50	Out of 11.50 scheduled hours of appointments
Week 3	9.50	Out of 14.50 scheduled hours of appointments
Week 4	7.25	Out of 15 scheduled hours of appointments
Week 5	N/A	
WEEKLY AVERAGE	8.31	(Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS	
Week 1	4.00
Week 2	2.02
Week 3	2.50
Week 4	2.23
Week 5	N/A

MONTHLY AVERAGE 2.69

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS	
Week 1	1.79
Week 2	1.77
Week 3	2.46
Week 4	1.21
Week 5	N/A

MONTHLY AVERAGE 1.81

c. (CONTINUED ON NEXT PAGE)

Page 6

12. c. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE		MONTHLY AVERAGE		MONTHLY AVERAGE	
January	1.16	May		September	
February	1.33	June		October	
March	1.94	July		November	
April	1.81	August		December	

YEARLY AVERAGE TO DATE 1.56

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VALUE

14. Other Comments:

/S/ W. A. Rogers

(Signature and Title of Respondent)

W. A. Rogers
Law Library Supervisor

EXHIBIT BBBB

CUMULATIVE LAW LIBRARY STATISTICS
(UNIT) MECKLENBURG II, UNIT 4535, April 30, 1985

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	4	January	22
Week 2	0	February	14
Week 3	2	March	9
Week 4	8	April	
Week 5	0	May	
		June	
TOTAL	14	RUNNING TOTAL FOR PREVIOUS MONTHS (FROM SEPTEMBER 1, 1979)	
			429
b.	Total for this month added to running total for previous months		443

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	2	January	4
Week 2	0	February	4
Week 3	0	March	3
Week 4	0	April	
Week 5	1	May	
		June	
TOTAL	3	RUNNING TOTAL FOR PREVIOUS MONTHS (FROM SEPTEMBER 1, 1979)	
			477
b.	Total for this month added to running total for previous months		480

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	4	January	15
Week 2	0	February	20
Week 3	1	March	24
Week 4	1	April	
Week 5	6	May	
		June	
TOTAL	12	RUNNING TOTAL FOR PREVIOUS MONTHS (FROM SEPTEMBER 1, 1979)	
			941
b.	Total for this month added to running total for previous months		953

Page 2

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS		(1985)	MONTHLY TOTALS	(1985)
Week 1	14	January	106	July
Week 2	5	February	99	August
Week 3	9	March	72	September
Week 4	17	April		October
Week 5	8	May		November
		June		December
TOTAL	53	RUNNING TOTAL FOR PREVIOUS MONTHS (FROM SEPTEMBER 1, 1979)		
				5686
b. Total for this month added to running total for previous months				5739

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		(1985)	MONTHLY TOTALS	(1985)
Week 1	2	January	6	July
Week 2	0	February	14	August
Week 3	3	March	9	September
Week 4	0	April		October
Week 5	1	May		November
		June		December
TOTAL	6	RUNNING TOTAL FOR PREVIOUS MONTHS (FROM SEPTEMBER 1, 1979)		
				524
b. Total for this month added to running total for previous months				530

6. a. Total of ALL Inmates using the Law Library. (Combine item #4 and #5 above).

WEEKLY TOTALS		(1985)	MONTHLY TOTALS	(1985)
Week 1	16	January	112	July
Week 2	5	February	113	August
Week 3	12	March	81	September
Week 4	17	April		October
Week 5	9	May		November
		June		December
TOTAL	59	RUNNING TOTAL FOR PREVIOUS MONTHS (FROM SEPTEMBER 1, 1979)		
				6210
b. Total for this month added to running total for previous months				6269

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	0	0	0	0	0	0
Habeas Corpus	0	0	0	0	0	0
Civil Rights (§ 1983)	0	0	0	0	0	0
Other	16	5	12	17	9	59

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR (FROM: SEPTEMBER 1, 1979 TO: APRIL 30, 1985)

Criminal Appeal	307
Habeas Corpus	60
Civil Rights (§ 1983)	493
Other	5409
	(6269)

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	1	0	0	0	0	1
Category II	15	5	12	17	9	58
Photo Copies Only	0	0	0	0	0	0
Forms Only	0	0	0	0	0	0

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR (FROM: SEPTEMBER 1, 1979 TO:

Category I	104
Category II	5773
Photo Copies Only	261
Forms Only	131
	(6269)

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	0	0	0	0	0	0
Per Cent	0%	0%	0	0%	0%	0%

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR (FROM: SEPTEMBER 1, 1979 TO: APRIL 30, 1985)

Number 37
Per Cent .059

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

	AVERAGE	SHORTEST PERIOD	LONGEST PERIOD
Week 1	32	0	16
Week 2	0	0	0
Week 3	21	0	7
Week 4	3	0	3
Week 5	9	0	8
MONTHLY AVERAGE	13		

b. Average for this month added to running total for previous months.

(1985)	(1985)	(1985)
January <u>18</u>	May <u> </u>	September <u> </u>
February <u>24</u>	June <u> </u>	October <u> </u>
March <u>22</u>	July <u> </u>	November <u> </u>
April <u>13</u>	August <u> </u>	December <u> </u>
Yearly Average to Date <u>20</u>	(FROM: <u>MAY 1, 1984</u>	TO: <u>APRIL 30, 1985</u>)

11. Total hours per week the Law Library was open at this unit.

HOURS		If open for less than 40 hrs/week, please explain.
Week 1	40	
Week 2	32	4-8-85 8 HRS. HOLIDAY—EASTER MONDAY
Week 3	32.5	4-16-85 3.5 HRS. COURT MATTERS 4-19-85 4 HRS. VACATION
Week 4	40	
Week 5	16	TWO DAY WEEK
WEEKLY AVERAGE	32	(Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS

Week 1	*
Week 2	*
Week 3	*
Week 4	*
Week 5	*

* A SPECIFIED AMOUNT OF TIME IS NOT SCHEDULED AS A BACKLOG OF USERS DO NOT EXIST AT THIS TIME. IF AND WHEN A BACKLOG OF USERS DO EXIST A SPECIFIED PERIOD OF TIME WOULD BE SET AND LIMITED TO FOUR (4) HOURS IN ACCORDANCE WITH POLICIES—PROCEDURES UNTIL THE BACKLOG OF USERS DID NOT EXIST.

MONTHLY AVERAGE *

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)
"TIME RECORDED IN MINUTES"

AVERAGE HOURS

Week 1	2390 min.
Week 2	190 min.
Week 3	675 min.
Week 4	720 min.
Week 5	545 min.

MONTHLY
AVERAGE 904

c. (CONTINUED ON NEXT PAGE)

12. c. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE (1985)	MONTHLY AVERAGE (1985)	MONTHLY AVERAGE (1985)
January 11055	May	September
February 10805	June	October
March 8375	July	November
April 4520	August	December
YEARLY AVERAGE TO DATE 1985	9343 MINUTES	(FROM: MAY 1, 1984 TO: APRIL 30, 1985)

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VALUE

14. Other Comments:

All "TIMES" ARE COUNTED IN "MINUTES".

ON LAST MONTH'S REPORT (MARCH 31, 1985) ON PAGE 2, PARAGRAPH 4b UNDER THE COLUMN "TOTAL FOR THIS MONTH ADDED TO RUNNING TOTAL FOR PREVIOUS MONTHS" THERE WAS A TYPOGRAPHICAL ERROR AND THE FIGURE SHOULD READ "5686" VICE "5685".

8. SAM J. HATHCOCK, JR. LAW LIBRARY SUPERVISOR
(Signature and Title of Respondent)

EXHIBIT CCCC

CUMULATIVE LAW LIBRARY STATISTICS (UNIT) 3200 NCCCW--MAY, 1985

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS					MONTHLY TOTALS				
Week 1	0	January	0	July					
Week 2	0	February	0	August					
Week 3	0	March	0	September					
Week 4	0	April	0	October					
Week 5	0	May		November					
TOTAL	0	June		December				0	
b. Total for this month added to running total for previous months					RUNNING TOTAL FOR PREVIOUS MONTHS				
					0				

A-388

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS					MONTHLY TOTALS				
Week 1	0	January	0	July					
Week 2	0	February	0	August					
Week 3		March	0	September					
Week 4		April	0	October					
Week 5		May		November					
TOTAL		June		December				0	
b. Total for this month added to running total for previous months					RUNNING TOTAL FOR PREVIOUS MONTHS				

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS					MONTHLY TOTALS				
Week 1		January	0	July					
Week 2		February	0	August					
Week 3		March	0	September					
Week 4		April	6	October					
Week 5		May		November					
TOTAL		June		December				0	
b. Total for this month added to running total for previous months					RUNNING TOTAL FOR PREVIOUS MONTHS				
					6				

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	_____	January	31
Week 2	_____	February	16
Week 3	_____	March	10
Week 4	_____	April	20
Week 5	_____	May	22
TOTAL	22	June	_____
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	_____
		August	_____
		September	_____
		October	_____
		November	_____
		December	_____
			99
			99

A-389

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	_____	January	0
Week 2	_____	February	0
Week 3	_____	March	0
Week 4	_____	April	0
Week 5	_____	May	0
TOTAL	0	June	_____
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	_____
		August	_____
		September	_____
		October	_____
		November	_____
		December	_____
			0
			0

6. a. Total of ALL Inmates using the Law Library. (Combine item #4 and #5 above).

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	_____	January	31
Week 2	_____	February	16
Week 3	_____	March	10
Week 4	_____	April	20
Week 5	_____	May	22
TOTAL	22	June	_____
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	_____
		August	_____
		September	_____
		October	_____
		November	_____
		December	_____
			99
			99

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	0	0	0	0		0
Habeas Corpus	0	0	0	0		0
Civil Rights (§ 1983)	0	0	0	0		0
Other	5	5	5	6		22

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	2
Habeas Corpus	0
Civil Rights (§ 1983)	6
Other	91

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	0	1	0	0		1
Category II	5	5	5	6		21
Photo Copies Only	0	0	0	0		0
Forms Only	0	0	1	0		1

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	4
Category II	95
Photo Copies Only	0
Forms Only	10

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	_____	_____	_____	_____	_____	_____
Per Cent	_____	_____	_____	_____	_____	_____

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number	<u>39</u>
Per Cent	<u>35%</u>

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

AVERAGE	SHORTEST PERIOD	LONGEST PERIOD
Week 1 _____	<u>1</u>	<u>7</u>
Week 2 _____	_____	_____
Week 3 _____	_____	_____
Week 4 _____	_____	_____
Week 5 _____	_____	_____
MONTHLY AVERAGE <u>3</u>	_____	_____

b. Average for this month added to running total for previous months.

January	<u>13</u>	May	<u>3</u>	September	_____
February	<u>17</u>	June	_____	October	_____
March	<u>7</u>	July	_____	November	_____
April	<u>8</u>	August	_____	December	_____

Yearly Average to Date 10

11. Total hours per week the Law Library was open at this unit.

HOURS		If open for less than 40 hrs/week, please explain.	
Week 1	40		
Week 2	40		
Week 3	40		
Week 4	40		
Week 5			
WEEKLY AVERAGE	40	(Based on a five day week)	

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS

Week 1	1 hr.
Week 2	1 hr.
Week 3	1 hr.
Week 4	1 hr.
Week 5	

MONTHLY AVERAGE _____

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS

Week 1	1 hr.
Week 2	1 hr.
Week 3	1 hr.
Week 4	1 hr.
Week 5	

MONTHLY AVERAGE 1 hr.

c. (CONTINUED ON NEXT PAGE)

12. c. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE		MONTHLY AVERAGE		MONTHLY AVERAGE	
January	1 hr. _____	May	1 hr. _____	September	_____
February	1 hr. _____	June	_____	October	_____
March	1 hr. _____	July	_____	November	_____
April	1 hr. _____	August	_____	December	_____

YEARLY AVERAGE TO DATE 1 hr. _____

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VALUE
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

14. Other Comments:

/s/ DHARLENE F. MOORE — LAW LIBRARY I

(Signature and Title of Respondent)

EXHIBIT DDDD

CUMULATIVE LAW LIBRARY STATISTICS Piedmont Correctional Center # 3500 April, 1985

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	2	January	23
Week 2	5	February	9
Week 3	2	March	12
Week 4	4	April	14
Week 5	1	May	
		June	
TOTAL	14	RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	
		August	
		September	
		October	
		November	
		December	
			44
			58

b. Total for this month added to running total for previous months

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	2	January	13
Week 2	4	February	11
Week 3	1	March	7
Week 4	0	April	7
Week 5	0	May	
		June	
TOTAL	7	RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	
		August	
		September	
		October	
		November	
		December	
			31
			38

b. Total for this month added to running total for previous months

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	7	January	40
Week 2	4	February	33
Week 3	6	March	24
Week 4	2	April	21
Week 5	2	May	
		June	
TOTAL	21	RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	
		August	
		September	
		October	
		November	
		December	
			97
			118

b. Total for this month added to running total for previous months

Page 2

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	26	January	110
Week 2	20	February	83
Week 3	28	March	96
Week 4	26	April	110
Week 5	10	May	
		June	
TOTAL	110	RUNNING TOTAL FOR PREVIOUS MONTHS	
			289
			399

b. Total for this month added to running total for previous months

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	4	January	21
Week 2	3	February	18
Week 3	4	March	18
Week 4	3	April	14
Week 5	0	May	
		June	
TOTAL	14	RUNNING TOTAL FOR PREVIOUS MONTHS	
			57
			71

b. Total for this month added to running total for previous months

6. a. Total of ALL Inmates using the Law Library. (Combine item #4 and #5 above).

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	30	January	131
Week 2	23	February	101
Week 3	32	March	114
Week 4	29	April	124
Week 5	10	May	
		June	
TOTAL	124	RUNNING TOTAL FOR PREVIOUS MONTHS	
			346
			470

b. Total for this month added to running total for previous months

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	1	3	1	0	0	5
Habeas Corpus	2	1	0	2	0	5
Civil Rights (§ 1983)	5	6	7	10	2	30
Other	22	13	24	17	8	84

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	27
Habeas Corpus	14
Civil Rights (§ 1983)	97
Other	332

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	0	0	0	2	0	2
Category II	30	23	32	27	10	122
Photo Copies Only	0	0	1	0	0	1
Forms Only	3	2	3	1	1	10

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	9
Category II	461
Photo Copies Only	15
Forms Only	39

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	10	9	6	10	0	35
Per Cent	25%	28%	16%	26%	0%	19%

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number	85
Per Cent	13%

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

AVERAGE		SHORTEST PERIOD	LONGEST PERIOD
Week 1	10.8	1	45
Week 2	13.0	0	44
Week 3	10.8	0	40
Week 4	9.9	0	44
Week 5	4.7	0	7

MONTHLY AVERAGE 9.8

b. Average for this month added to running total for previous months.

January	7.7	May	September
February	9.2	June	October
March	9.3	July	November
April	9.8	August	December

Yearly Average to Date 9.0

11. Total hours per week the Law Library was open at this unit.

HOURS		If open for less than 40 hrs/week, please explain.
Week 1	40	
Week 2 -	32	1 Day Holiday.
Week 3	40	
Week 4	40	
Week 5	8	2 Day Week; 1 Day Inventory.
WEEKLY AVERAGE	32	(Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS	
Week 1	2.5
Week 2	2.6
Week 3	2.4
Week 4	2.3
Week 5	2.2

MONTHLY AVERAGE 2.4

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS	
Week 1	1.1
Week 2	1.4
Week 3	1.0
Week 4	0.9
Week 5	0.9

MONTHLY AVERAGE 1.1

c. (CONTINUED ON NEXT PAGE)

12. c. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE		MONTHLY AVERAGE		MONTHLY AVERAGE	
January	1.2	May		September	
February	1.1	June		October	
March	1.1	July		November	
April	1.1	August		December	
YEARLY AVERAGE TO DATE		1.1			

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VALUE

14. Other Comments:

48 inmates used the photocopy services.
 39 inmates had 294 notary services furnished.
 124 inmates used the Law Library In April.

/s/ Keith Park — LAW LIBRARY SUPERVISOR
 (Signature and Title of Respondent)

EXHIBIT EEEE

CUMULATIVE LAW LIBRARY STATISTICS (UNIT) Eastern Correctional Center—April, 1985

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	2	January	18
Week 2	5	February	14
Week 3	3	March	14
Week 4	2	April	13
Week 5	1	May	
		June	
TOTAL	13	RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	
		August	
		September	
		October	
		November	
		December	
			46
			59

b. Total for this month added to running total for previous months

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	5	January	36
Week 2	6	February	32
Week 3	5	March	27
Week 4	8	April	26
Week 5	2	May	
		June	
TOTAL	26	RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	
		August	
		September	
		October	
		November	
		December	
			95
			121

b. Total for this month added to running total for previous months

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	2	January	12
Week 2	1	February	14
Week 3	3	March	13
Week 4	1	April	8
Week 5	1	May	
		June	
TOTAL		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	
		August	
		September	
		October	
		November	
		December	
			39
			47

b. Total for this month added to running total for previous months

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	57	January	94
Week 2	41	February	140
Week 3	28	March	137
Week 4	28	April	156
Week 5	8	May	
		June	
TOTAL		RUNNING TOTAL FOR PREVIOUS MONTHS	
			371
			527

A401

b. Total for this month added to running total for previous months

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	4	January	6
Week 2	0	February	3
Week 3	0	March	4
Week 4	0	April	4
Week 5	0	May	
		June	
TOTAL	4	RUNNING TOTAL FOR PREVIOUS MONTHS	
			13
			17

b. Total for this month added to running total for previous months

6. a. Total of ALL Inmates using the Law Library. (Combine item #4 and #5 above).

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	55	January	100
Week 2	41	February	143
Week 3	28	March	141
Week 4	28	April	160
Week 5	8	May	
		June	
TOTAL	160	RUNNING TOTAL FOR PREVIOUS MONTHS	
			384
			544

b. Total for this month added to running total for previous months

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	5	12	2	2	2	23
Habeas Corpus	6	2	4	3	0	15
Civil Rights (§ 1983)	3	1	0	1	0	5
Other	41	26	22	22	6	117

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	102
Habeas Corpus	35
Civil Rights (§ 1983)	74
Other	331

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	0	0	6	0	0	6
Category II	46	37	13	28	7	131
Photo Copies Only	6	3	7	0	0	16
Forms Only	3	1	2	7	1	14

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	23
Category II	473
Photo Copies Only	57
Forms Only	63

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	<u>7</u>	<u>7</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>17</u>
Per Cent	<u>13%</u>	<u>17%</u>	<u>3%</u>	<u>3%</u>	<u>12%</u>	<u>10%</u>

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number	<u>49</u>
Per Cent	<u>9%</u>

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

	AVERAGE	SHORTEST PERIOD	LONGEST PERIOD
Week 1	<u>6</u>	<u>2</u>	<u>11</u>
Week 2	<u>4</u>	<u>1</u>	<u>7</u>
Week 3	<u>7</u>	<u>1</u>	<u>13</u>
Week 4	<u>3</u>	<u>2</u>	<u>4</u>
Week 5	<u>8</u>	<u>1</u>	<u>15</u>
MONTHLY AVERAGE	<u>5</u>		

b. Average for this month added to running total for previous months.

January		May	September
February		June	October
March		July	November
April	<u>5</u>	August	December
Yearly Average to Date			

11. Total hours per week the Law Library was open at this unit.

If open for less than 40 hrs/week, please explain.

HOURS	
Week 1	40
Week 2	40
Week 3	40
Week 4	40
Week 5	16
WEEKLY AVERAGE	32 (Based on a five day week)
Week ended on a Tuesday	

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS	
Week 1	2
Week 2	2
Week 3	2
Week 4	2
Week 5	2

MONTHLY AVERAGE 2

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS	
Week 1	2
Week 2	2
Week 3	2
Week 4	2
Week 5	2

MONTHLY AVERAGE 2

c. (CONTINUED ON NEXT PAGE)

MONTHLY AVERAGE MONTHLY AVERAGE MONTHLY AVERAGE

YEARLY AVERAGE TO DATE 2[illegible]

1

**/S/Billy C. Hobbs/Law Library Supervisor
(Signature and Title of Respondent)**

EXHIBIT FFFF

CUMULATIVE LAW LIBRARY STATISTICS (UNIT) ALAMANCA April, 1985

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	_____	January	0
Week 2	_____	February	0
Week 3	_____	March	2
Week 4	_____	April	2
Week 5	_____	May	_____
TOTAL	_____	June	_____
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	_____
		August	_____
		September	_____
		October	_____
		November	_____
		December	2
			4

b. Total for this month added to running total for previous months

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	_____	January	0
Week 2	_____	February	0
Week 3	_____	March	0
Week 4	_____	April	2
Week 5	_____	May	_____
TOTAL	_____	June	_____
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	_____
		August	_____
		September	_____
		October	_____
		November	_____
		December	0
			2

b. Total for this month added to running total for previous months

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	_____	January	2
Week 2	_____	February	5
Week 3	_____	March	1
Week 4	_____	April	1
Week 5	_____	May	_____
TOTAL	_____	June	_____
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	_____
		August	_____
		September	_____
		October	_____
		November	_____
		December	8
			9

b. Total for this month added to running total for previous months

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS					MONTHLY TOTALS				
Week 1	_____	January	6	_____	July	_____			
Week 2	_____	February	8	_____	August	_____			
Week 3	_____	March	9	_____	September	_____			
Week 4	_____	April	6	_____	October	_____			
Week 5	_____	May	_____	_____	November	_____			
TOTAL	_____	June	_____	_____	December	_____			
b. Total for this month added to running total for previous months					RUNNING TOTAL FOR PREVIOUS MONTHS				
					23				
					29				

A-407

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS					MONTHLY TOTALS				
Week 1	_____	January	1	_____	July	_____			
Week 2	_____	February	1	_____	August	_____			
Week 3	_____	March	1	_____	September	_____			
Week 4	_____	April	0	_____	October	_____			
Week 5	_____	May	_____	_____	November	_____			
TOTAL	_____	June	_____	_____	December	_____			
b. Total for this month added to running total for previous months					3				
					3				

6. a. Total of ALL Inmates using the Law Library. (Combine item #4 and #5 above).

WEEKLY TOTALS					MONTHLY TOTALS				
Week 1	_____	January	7	_____	July	_____			
Week 2	_____	February	9	_____	August	_____			
Week 3	_____	March	10	_____	September	_____			
Week 4	_____	April	6	_____	October	_____			
Week 5	_____	May	_____	_____	November	_____			
TOTAL	_____	June	_____	_____	December	_____			
b. Total for this month added to running total for previous months					26				
					32				

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	—	—	—	—	—	—
Habeas Corpus	—	—	—	—	—	—
Civil Rights (§ 1983)	3	1	—	—	—	4
Other	1	1	—	—	—	2

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	1
Habeas Corpus	2
Civil Rights (§ 1983)	22
Other	7

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	0	—	—	—	—	—
Category II	4	1	—	—	—	5
Photo Copies Only	—	—	—	—	—	—
Forms Only	—	1	—	—	—	1

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	3
Category II	27
Photo Copies Only	0
Forms Only	9

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	_____	_____	_____	_____	_____	_____
Per Cent	_____	_____	_____	_____	_____	_____

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number	_____
Per Cent	_____

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

	AVERAGE	SHORTEST PERIOD	LONGEST PERIOD
Week 1	_____	_____	_____
Week 2	_____	_____	_____
Week 3	_____	_____	_____
Week 4	_____	_____	_____
Week 5	_____	_____	_____

MONTHLY AVERAGE _____

b. Average for this month added to running total for previous months.

January	_____	May	_____	September	_____
February	_____	June	_____	October	_____
March	_____	July	_____	November	_____
April	_____	August	_____	December	_____

Yearly Average to Date _____

11. Total hours per week the Law Library was open at this unit.

HOURS If open for less than 40 hrs/week, please explain.

Week 1	_____
Week 2	_____
Week 3	_____
Week 4	_____
Week 5	_____
WEEKLY AVERAGE	<u>40</u> (Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS

Week 1	_____
Week 2	_____
Week 3	_____
Week 4	_____
Week 5	_____

MONTHLY AVERAGE 15½ hrs. actually scheduled 3.10 hrs. per inmate (average)

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS

Week 1	_____
Week 2	_____
Week 3	_____
Week 4	_____
Week 5	_____

MONTHLY AVERAGE 9 hrs. 45 min. 1.95 hrs. average per inmate

c. (CONTINUED ON NEXT PAGE)

EXHIBIT GGG

CUMULATIVE LAW LIBRARY STATISTICS (UNIT) Cameron Morrison Youth Center—April, 1985

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS					MONTHLY TOTALS				
Week 1	—	January	0	July	—	—	—	—	—
Week 2	—	February	0	August	—	—	—	—	—
Week 3	—	March	0	September	—	—	—	—	—
Week 4	—	April	0	October	—	—	—	—	—
Week 5	—	May	—	November	—	—	—	—	—
TOTAL	—	June	—	December	—	—	—	—	—
b. Total for this month added to running total for previous months					RUNNING TOTAL FOR PREVIOUS MONTHS				
					0				

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS					MONTHLY TOTALS				
Week 1	—	January	0	July	—	—	—	—	—
Week 2	—	February	0	August	—	—	—	—	—
Week 3	—	March	0	September	—	—	—	—	—
Week 4	—	April	0	October	—	—	—	—	—
Week 5	—	May	—	November	—	—	—	—	—
TOTAL	—	June	—	December	—	—	—	—	—
b. Total for this month added to running total for previous months					0				

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS					MONTHLY TOTALS				
Week 1	3	January	5	July	—	—	—	—	—
Week 2	5	February	8	August	—	—	—	—	—
Week 3	0	March	7	September	—	—	—	—	—
Week 4	0	April	8	October	—	—	—	—	—
Week 5	0	May	—	November	—	—	—	—	—
TOTAL	8	June	—	December	—	—	—	—	—
b. Total for this month added to running total for previous months					20				
					28				

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	5	January	13
Week 2	1	February	18
Week 3	0	March	14
Week 4	1	April	9
Week 5	2	May	
		June	
TOTAL	9	RUNNING TOTAL FOR PREVIOUS MONTHS	
			45
			54

b. Total for this month added to running total for previous months

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	0
Week 2	4	February	2
Week 3	0	March	1
Week 4	0	April	4
Week 5	0	May	
		June	
TOTAL	4	RUNNING TOTAL FOR PREVIOUS MONTHS	
			3
			7

b. Total for this month added to running total for previous months

6. a. Total of all Inmates using the Law Library. (Combine item # 4 & # 5 above).

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	5	January	14
Week 2	5	February	20
Week 3	0	March	15
Week 4	1	April	13
Week 5	2	May	
		June	
TOTAL	13	RUNNING TOTAL FOR PREVIOUS MONTHS	
			49
			62

b. Total for this month added to running total for previous months

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal						
Habeas Corpus						
Civil Rights (§ 1983)	1					1
Other	4	5	0	1	2	13

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	0
Habeas Corpus	0
Civil Rights (§ 1983)	5
Other	58

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	0	1	0	1	0	2
Category II	5	4	0	0	2	11
Photo Copies Only	0	0	0	0	42	42
Forms Only	2	0	0	1	2	5

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	4
Category II	58
Photo Copies Only	270
Forms Only	31

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	0	0	1	1	0	2
Per Cent						

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number	12
Per Cent	

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

AVERAGE		SHORTEST PERIOD	LONGEST PERIOD
Week 1	7	2	11
Week 2	13	6	20
Week 3	0	0	0
Week 4	4	4	4
Week 5	7	7	7
MONTHLY AVERAGE		7	

b. Average for this month added to running total for previous months.

January	7.6	May	September
February	7	June	October
March	5	July	November
April	7	August	December

A-414

Yearly Average to Date 6.7

11. Total hours per week the Law Library was open at this unit.

HOURS		If open for less than 40 hrs/week, please explain.	
Week 1	40		
Week 2	40		
Week 3	40		
Week 4	40		
Week 5	16	short week	
WEEKLY AVERAGE		35	(Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS	
Week 1	2.8
Week 2	7.1
Week 3	0
Week 4	3
Week 5	2.5

MONTHLY AVERAGE 3.08

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS	
Week 1	1.3
Week 2	2.3
Week 3	0
Week 4	2
Week 5	1.5

MONTHLY AVERAGE 1.42

c. (CONTINUED ON NEXT PAGE)

MONTHLY AVERAGE	MONTHLY AVERAGE	MONTHLY AVERAGE
January	1.3	September
February	1.4	October
March	.54	November
April	1.42	December

YEARLY AVERAGE TO DATE	1.17
------------------------	------

[illegible]

(Illegible)

(Signature and Title of Respondent)

EXHIBIT HHHH

CUMULATIVE LAW LIBRARY STATISTICS (UNIT) CURRITUCK 4120, April 1985

A-416

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS					MONTHLY TOTALS				
Week 1	_____	January	_____	July	_____	_____	_____	_____	_____
Week 2	_____	February	_____	August	_____	_____	_____	_____	_____
Week 3	_____	March	_____	September	_____	_____	_____	_____	_____
Week 4	_____	April	_____	October	_____	_____	_____	_____	_____
Week 5	_____	May	_____	November	_____	_____	_____	_____	_____
TOTAL	0	June	_____	December	_____	_____	_____	0	_____
Total for this month added to running total for previous months					RUNNING TOTAL FOR PREVIOUS MONTHS				

b.

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS					MONTHLY TOTALS				
Week 1	_____	January	_____	July	_____	_____	_____	_____	_____
Week 2	_____	February	_____	August	_____	_____	_____	_____	_____
Week 3	_____	March	_____	September	_____	_____	_____	_____	_____
Week 4	_____	April	_____	October	_____	_____	_____	_____	_____
Week 5	_____	May	_____	November	_____	_____	_____	_____	_____
TOTAL	0	June	_____	December	_____	_____	_____	0	_____
Total for this month added to running total for previous months					RUNNING TOTAL FOR PREVIOUS MONTHS				

b.

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS					MONTHLY TOTALS				
Week 1	_____	January	_____	July	_____	_____	_____	_____	_____
Week 2	_____	February	_____	August	_____	_____	_____	_____	_____
Week 3	_____	March	_____	September	_____	_____	_____	_____	_____
Week 4	_____	April	_____	October	_____	_____	_____	_____	_____
Week 5	_____	May	_____	November	_____	_____	_____	_____	_____
TOTAL	0	June	_____	December	_____	_____	_____	0	_____
Total for this month added to running total for previous months					RUNNING TOTAL FOR PREVIOUS MONTHS				

b.

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	2	January	26
Week 2	3	February	14
Week 3	3	March	25
Week 4	6	April	
Week 5	1	May	
TOTAL	15	June	
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	
		August	
		September	
		October	
		November	
		December	
			65
			80

A-417

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	3	January	13
Week 2	4	February	12
Week 3	2	March	16
Week 4	2	April	
Week 5	3	May	
TOTAL	14	June	
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	
		August	
		September	
		October	
		November	
		December	
			41
			55

6. a. Total of ALL Inmates using the Law Library. (Combine item #4 and #5 above).

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	5	January	39
Week 2	7	February	26
Week 3	5	March	41
Week 4	8	April	
Week 5	4	May	
TOTAL	29	June	
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	
		August	
		September	
		October	
		November	
		December	
			106
			135

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	0	0	0	0	0	0
Habeas Corpus	0	0	0	0	0	0
Civil Rights (§ 1983)	0	0	0	0	0	0
Other	5	7	5	8	4	29

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	0
Habeas Corpus	0
Civil Rights (§ 1983)	0
Other	133

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	0	0	0	0	0	0
Category II	5	7	5	8	4	29
Photo Copies Only	2	4	5	3	3	17
Forms Only	0	1	0	1	0	2

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	0
Category II	94
Photo Copies Only	35
Forms Only	63

9. a. Number and per cent of inmates who failed to appear.

Number	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
0	0	0	0	0	0	0

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number

2

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

AVERAGE

Week 1	1
Week 2	1
Week 3	1
Week 4	1
Week 5	1

MONTHLY AVERAGE 4

SHORTEST PERIOD

1
1
1
1
1

LONGEST PERIOD

5
7
1
3
6

A-419

b. Average for this month added to running total for previous months.

January	7½	May	September
February	4½	June	October
March	12	July	November
April		August	December

YEARLY AVERAGE TO DATE 36

11. Total hours per week the Law Library was open at this unit.

HOURS		If open for less than 40 hrs/week, please explain.
Week 1	40	
Week 2	40	
Week 3	40	
Week 4	40	
Week 5	16	
WEEKLY AVERAGE		40 (Based on a five day week)
		Month ended on Tuesday.

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS	
Week 1	10
Week 2	12
Week 3	10
Week 4	14
Week 5	8

MONTHLY AVERAGE 54

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS	
Week 1	12½
Week 2	28½
Week 3	9½
Week 4	13½
Week 5	12

MONTHLY AVERAGE 76

c. (CONTINUED ON NEXT PAGE)

12. c. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE	MONTHLY AVERAGE	MONTHLY AVERAGE
January 18	May	September
February 55 $\frac{1}{4}$	June	October
March 74	July	November
April	August	December

YEARLY AVERAGE TO DATE 147 $\frac{1}{4}$

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VOLUME
None			

14. Other Comments:

/S/ Sue Adkins, Steno, III

(Signature and Title of Respondent)

EXHIBIT III

CUMULATIVE LAW LIBRARY STATISTICS (UNIT) MARTIN COUNTY (#4145) April, 1985

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	0
Week 2	0	February	0
Week 3	0	March	0
Week 4	0	April	0
Week 5	0	May	0
		June	0
TOTAL	0	RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	0
		August	0
		September	0
		October	0
		November	0
		December	0
			0

b. Total for this month added to running total for previous months

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	0
Week 2	0	February	0
Week 3	0	March	0
Week 4	0	April	0
Week 5	0	May	0
		June	0
TOTAL	0	RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	0
		August	0
		September	0
		October	0
		November	0
		December	0
			0

b. Total for this month added to running total for previous months

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	0
Week 2	0	February	2
Week 3	1	March	6
Week 4	1	April	2
Week 5	0	May	0
		June	0
TOTAL	2	RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	4
		August	1
		September	1
		October	2
		November	3
		December	1
			20
			22

b. Total for this month added to running total for previous months

Page 2

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS					
Week 1	0	January	5	July	1		
Week 2	2	February	0	August	0		
Week 3	6	March	2	September	1		
Week 4	0	April	8	October	1		
Week 5	0	May	0	November	1		
		June	0	December	1		
TOTAL	8	RUNNING TOTAL FOR PREVIOUS MONTHS					
					12		
					20		

b. Total for this month added to running total for previous months

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS					
Week 1	1	January	3	July	6		
Week 2	2	February	2	August	2		
Week 3	0	March	7	September	2		
Week 4	2	April	6	October	3		
Week 5	1	May	0	November	7		
		June	0	December	3		
TOTAL	6	RUNNING TOTAL FOR PREVIOUS MONTHS					
					35		
					41		

b. Total for this month added to running total for previous months

6. a. Total of ALL Inmates using the Law Library. (Combine item #4 and #5 above).

WEEKLY TOTALS		MONTHLY TOTALS					
Week 1	1	January	8	July	7		
Week 2	4	February	2	August	2		
Week 3	6	March	9	September	3		
Week 4	2	April	14	October	4		
Week 5	1	May	0	November	8		
		June	0	December	4		
TOTAL	14	RUNNING TOTAL FOR PREVIOUS MONTHS					
					47		
					61		

b. Total for this month added to running total for previous months

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	0	1	0	0	0	1
Habeas Corpus	0	0	0	0	0	0
Civil Rights (§ 1983)	1	3	1	1	1	7
Other	0	0	4	1	0	5

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	1
Habeas Corpus	1
Civil Rights (§ 1983)	21
Other	34

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	1	2	6	2	0	11
Category II	0	2	0	0	1	3
Photo Copies Only	0	0	0	0	0	0
Forms Only	0	0	0	1	1	2

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	29
Category II	27
Photo Copies Only	1
Forms Only	25

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	0	0	0	0	0	0
Per Cent	0%	0%	0%	0%	0%	0%

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number 9
Per Cent 7%

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

AVERAGE		SHORTEST PERIOD	LONGEST PERIOD
Week 1	10 days	10 days	10 days
Week 2	1.3 days	1 day	4 days
Week 3	1 day	1 day	2 days
Week 4	6 days	10 days	2 days
Week 5	9 days	9 days	9 days
MONTHLY AVERAGE		6 days	

b. Average for this month added to running total for previous months

January	7.7 days	May	4½ days
February	8.3 days	June	16.8 days
March	8.1 days	July	14.1 days
April	6 days	August	8.3 days
Yearly Average to Date		8.9 days	

11. Total hours per week the Law Library was open at this unit.

HOURS		If Open for less than 40 hrs/week, please explain.
Week 1	_____	Open by Request Only _____
Week 2	_____	_____
Week 3	_____	_____
Week 4	_____	_____
Week 5	_____	_____
WEEKLY AVERAGE	_____	(Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS	
Week 1	0
Week 2	0
Week 3	0
Week 4	0
Week 5	0

MONTHLY AVERAGE 0

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS	
Week 1	43 mins.
Week 2	1 hr.
Week 3	1 hr. 10 mins.
Week 4	1 hr. 30 mins.
Week 5	0

MONTHLY AVERAGE 52.3 mins.

c. (CONTINUED ON NEXT PAGE)

12. c. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE		MONTHLY AVERAGE		MONTHLY AVERAGE	
January	1 hr.	May		September	3 hrs.
February	52 mins.	June		October	1 hr. 10 mins.
March	1 hr. 2.1 mins.	July		November	1.1 hrs. 11 mins.
April	52.3 mins.	August		December	2 h. 6.1 m.

YEARLY AVERAGE TO DATE	1 hr. 13.3 mins.
1950	1 hr. 13.3 mins.
1951	1 hr. 13.3 mins.
1952	1 hr. 13.3 mins.
1953	1 hr. 13.3 mins.
1954	1 hr. 13.3 mins.
1955	1 hr. 13.3 mins.
1956	1 hr. 13.3 mins.
1957	1 hr. 13.3 mins.
1958	1 hr. 13.3 mins.
1959	1 hr. 13.3 mins.
1960	1 hr. 13.3 mins.
1961	1 hr. 13.3 mins.
1962	1 hr. 13.3 mins.
1963	1 hr. 13.3 mins.
1964	1 hr. 13.3 mins.
1965	1 hr. 13.3 mins.
1966	1 hr. 13.3 mins.
1967	1 hr. 13.3 mins.
1968	1 hr. 13.3 mins.
1969	1 hr. 13.3 mins.
1970	1 hr. 13.3 mins.
1971	1 hr. 13.3 mins.
1972	1 hr. 13.3 mins.
1973	1 hr. 13.3 mins.
1974	1 hr. 13.3 mins.
1975	1 hr. 13.3 mins.
1976	1 hr. 13.3 mins.
1977	1 hr. 13.3 mins.
1978	1 hr. 13.3 mins.
1979	1 hr. 13.3 mins.
1980	1 hr. 13.3 mins.
1981	1 hr. 13.3 mins.
1982	1 hr. 13.3 mins.
1983	1 hr. 13.3 mins.
1984	1 hr. 13.3 mins.
1985	1 hr. 13.3 mins.
1986	1 hr. 13.3 mins.
1987	1 hr. 13.3 mins.
1988	1 hr. 13.3 mins.
1989	1 hr. 13.3 mins.
1990	1 hr. 13.3 mins.
1991	1 hr. 13.3 mins.
1992	1 hr. 13.3 mins.
1993	1 hr. 13.3 mins.
1994	1 hr. 13.3 mins.
1995	1 hr. 13.3 mins.
1996	1 hr. 13.3 mins.
1997	1 hr. 13.3 mins.
1998	1 hr. 13.3 mins.
1999	1 hr. 13.3 mins.
2000	1 hr. 13.3 mins.
2001	1 hr. 13.3 mins.
2002	1 hr. 13.3 mins.
2003	1 hr. 13.3 mins.
2004	1 hr. 13.3 mins.
2005	1 hr. 13.3 mins.
2006	1 hr. 13.3 mins.
2007	1 hr. 13.3 mins.
2008	1 hr. 13.3 mins.
2009	1 hr. 13.3 mins.
2010	1 hr. 13.3 mins.
2011	1 hr. 13.3 mins.
2012	1 hr. 13.3 mins.
2013	1 hr. 13.3 mins.
2014	1 hr. 13.3 mins.
2015	1 hr. 13.3 mins.
2016	1 hr. 13.3 mins.
2017	1 hr. 13.3 mins.
2018	1 hr. 13.3 mins.
2019	1 hr. 13.3 mins.
2020	1 hr. 13.3 mins.
2021	1 hr. 13.3 mins.
2022	1 hr. 13.3 mins.
2023	1 hr. 13.3 mins.
2024	1 hr. 13.3 mins.
2025	1 hr. 13.3 mins.
2026	1 hr. 13.3 mins.
2027	1 hr. 13.3 mins.
2028	1 hr. 13.3 mins.
2029	1 hr. 13.3 mins.
2030	1 hr. 13.3 mins.
2031	1 hr. 13.3 mins.
2032	1 hr. 13.3 mins.
2033	1 hr. 13.3 mins.
2034	1 hr. 13.3 mins.
2035	1 hr. 13.3 mins.
2036	1 hr. 13.3 mins.
2037	1 hr. 13.3 mins.
2038	1 hr. 13.3 mins.
2039	1 hr. 13.3 mins.
2040	1 hr. 13.3 mins.
2041	1 hr. 13.3 mins.
2042	1 hr. 13.3 mins.
2043	1 hr. 13.3 mins.
2044	1 hr. 13.3 mins.
2045	1 hr. 13.3 mins.
2046	1 hr. 13.3 mins.
2047	1 hr. 13.3 mins.
2048	1 hr. 13.3 mins.
2049	1 hr. 13.3 mins.
2050	1 hr. 13.3 mins.
2051	1 hr. 13.3 mins.
2052	1 hr. 13.3 mins.
2053	1 hr. 13.3 mins.
2054	1 hr. 13.3 mins.
2055	1 hr. 13.3 mins.
2056	1 hr. 13.3 mins.
2057	1 hr. 13.3 mins.
2058	1 hr. 13.3 mins.
2059	1 hr. 13.3 mins.
2060	1 hr. 13.3 mins.
2061	1 hr. 13.3 mins.
2062	1 hr. 13.3 mins.
2063	1 hr. 13.3 mins.
2064	1 hr. 13.3 mins.
2065	1 hr. 13.3 mins.
2066	1 hr. 13.3 mins.
2067	1 hr. 13.3 mins.
2068	1 hr. 13.3 mins.
2069	1 hr. 13.3 mins.
2070	1 hr. 13.3 mins.
2071	1 hr. 13.3 mins.
2072	1 hr. 13.3 mins.
2073	1 hr. 13.3 mins.
2074	1 hr. 13.3 mins.
2075	1 hr. 13.3 mins.
2076	

13. Damage Report.

[illegible]

14. Other Comments:

(Illegible)

(Signature and Title of Respondent)

EXHIBIT JJJJ

CUMULATIVE LAW LIBRARY STATISTICS (UNIT) ODOM 3310, April, 1985

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS

Week 1	31
Week 2	22
Week 3	38
Week 4	28
Week 5	18

TOTAL 137

MONTHLY TOTALS

January	89	July	
February	97	August	
March	162	September	
April	137	October	
May		November	
June		December	

RUNNING TOTAL FOR PREVIOUS MONTHS

348

b. Total for this month added to running total for previous months

485

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS

Week 1	31
Week 2	20
Week 3	25
Week 4	27
Week 5	10

TOTAL 113

MONTHLY TOTALS

January	124	July	
February	169	August	
March	112	September	
April	113	October	
May		November	
June		December	

RUNNING TOTAL FOR PREVIOUS MONTHS

405

b. Total for this month added to running total for previous months

518

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS

Week 1	4
Week 2	3
Week 3	5
Week 4	8
Week 5	3

TOTAL 23

MONTHLY TOTALS

January	21	July	
February	57	August	
March	29	September	
April	23	October	
May		November	
June		December	

RUNNING TOTAL FOR PREVIOUS MONTHS

107

b. Total for this month added to running total for previous months

130

Page 2

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS					
Week 1	70	January	288	July	0		
Week 2	48	February	295	August	0		
Week 3	73	March	313	September	0		
Week 4	76	April	299	October	0		
Week 5	32	May	0	November	0		
		June	0	December	0		
TOTAL	299	RUNNING TOTAL FOR PREVIOUS MONTHS					
		896					
		1,195					

b. Total for this month added to running total for previous months

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS					
Week 1	0	January	0	July	0		
Week 2	0	February	0	August	0		
Week 3	0	March	0	September	0		
Week 4	0	April	0	October	0		
Week 5	0	May	0	November	0		
		June	0	December	0		
TOTAL	0	RUNNING TOTAL FOR PREVIOUS MONTHS					
		0					

b. Total for this month added to running total for previous months

6. a. Total of ALL Inmates using the Law Library. (Combine item #4 and #5 above).

WEEKLY TOTALS		MONTHLY TOTALS					
Week 1	70	January	288	July	0		
Week 2	48	February	295	August	0		
Week 3	73	March	313	September	0		
Week 4	76	April	299	October	0		
Week 5	32	May	0	November	0		
		June	0	December	0		
TOTAL	299	RUNNING TOTAL FOR PREVIOUS MONTHS					
		896					
		1,195					

b. Total for this month added to running total for previous months

Page 3

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	30	20	24	27	10	111
Habeas Corpus	31	22	39	29	18	139
Civil Rights (§ 1983)	5	3	6	8	3	25
Other	1	2	0	2	0	5

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	386
Habeas Corpus	489
Civil Rights (§ 1983)	130
Other	27

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	3	6	16	15	4	44
Category II	75	50	57	61	28	271
Photo Copies Only	0	0	0	0	0	0
Forms Only	3	2	3	0	0	8

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	66
Category II	901
Photo Copies Only	0
Forms Only	46

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	8	8	13	10	5	44
Per Cent	10.2	10.4	10.5	10.1	10.3	10.3

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number	155
Per Cent	41.9

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

	AVERAGE	SHORTEST PERIOD	LONGEST PERIOD
Week 1	.8	0	3
Week 2	.1	0	2
Week 3	.8	0	4
Week 4	.6	0	6
Week 5	.1	0	5

MONTHLY AVERAGE .5

b. Average for this month added to running total for previous months

January	.5	May	September
February	.9	June	October
March	.8	July	November
April	.5	August	December

YEARLY AVERAGE TO DATE .6

11. Total hours per week the Law Library was open at this unit.

HOURS		If open for less than 40 hrs/week, please explain.
Week 1	60	
Week 2	48	
Week 3	60	
Week 4	60	
Week 5	24	
WEEKLY AVERAGE	50	(Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS	
Week 1	2:00
Week 2	2:00
Week 3	2:00
Week 4	2:00
Week 5	2:00

MONTHLY AVERAGE 2:00

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS	
Week 1	1:48
Week 2	1:59
Week 3	1:56
Week 4	1:63
Week 5	1:60

MONTHLY AVERAGE 1:57

c. (CONTINUED ON NEXT PAGE)

12. c. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE	MONTHLY AVERAGE	MONTHLY AVERAGE
January 1:54	May	September
February 2:00	June	October
March 1:55	July	November
April 1:57	August	December

YEARLY AVERAGE TO DATE 1:57

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VALUE
N/A			

14. Other Comments:

/S/ (Illegible)

(Signature and Title of Respondent)

EXHIBIT KKKK

CUMULATIVE LAW LIBRARY STATISTICS (UNIT) POLK YOUTH CENTER April, 1985 (DUPLICATE)

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	_____	January	_____
Week 2	_____	February	_____
Week 3	_____	March	_____
Week 4	_____	April	_____
Week 5	_____	May	_____
TOTAL	_____	June	_____
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	_____
		August	_____
		September	_____
		October	_____
		November	_____
		December	_____

b. Total for this month added to running total for previous months

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	_____	January	_____
Week 2	_____	February	_____
Week 3	_____	March	_____
Week 4	_____	April	_____
Week 5	_____	May	_____
TOTAL	_____	June	_____
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	_____
		August	_____
		September	_____
		October	_____
		November	_____
		December	_____

b. Total for this month added to running total for previous months

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	1	January	4
Week 2	2	February	1
Week 3	3	March	7
Week 4	1	April	8
Week 5	1	May	_____
TOTAL	8	June	_____
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	_____
		August	_____
		September	_____
		October	_____
		November	_____
		December	12
			20

b. Total for this month added to running total for previous months

Page 2

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	<u>1</u>	January	<u>8</u>
Week 2	<u>3</u>	February	<u>10</u>
Week 3	<u>4</u>	March	<u>12</u>
Week 4	<u>5</u>	April	<u>15</u>
Week 5	<u>2</u>	May	<u>10</u>
TOTAL	<u>15</u>	June	
		RUNNING TOTAL FOR PREVIOUS MONTHS	
			<u>30</u>
			<u>45</u>

b. Total for this month added to running total for previous months

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	<u>0</u>	January	<u>0</u>
Week 2	<u>0</u>	February	<u>0</u>
Week 3	<u>0</u>	March	<u>0</u>
Week 4	<u>0</u>	April	<u>0</u>
Week 5	<u>0</u>	May	<u>0</u>
TOTAL	<u>0</u>	June	<u>0</u>
		RUNNING TOTAL FOR PREVIOUS MONTHS	
			<u>0</u>
			<u>0</u>
			<u>0</u>

b. Total for this month added to running total for previous months

6. a. Total of ALL Inmates using the Law Library. (Combine item #4 and #5 above).

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	<u>1</u>	January	<u>8</u>
Week 2	<u>3</u>	February	<u>10</u>
Week 3	<u>4</u>	March	<u>12</u>
Week 4	<u>5</u>	April	<u>15</u>
Week 5	<u>2</u>	May	<u>0</u>
TOTAL	<u>15</u>	June	<u>0</u>
		RUNNING TOTAL FOR PREVIOUS MONTHS	
			<u>30</u>
			<u>45</u>

b. Total for this month added to running total for previous months

Page 3

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	0	1	0	0	0	1
Habeas Corpus	0	0	0	0	0	0
Civil Rights (§ 1983)	0	0	0	1	2	3
Other	1	1	3	2	2	9

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	7
Habeas Corpus	0
Civil Rights (§ 1983)	9
Other	29

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	0	0	0	0	0	0
Category II	1	3	4	5	2	15
Photo Copies Only	0	0	0	0	0	0
Forms Only	0	0	0	2	0	2

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	0
Category II	47
Photo Copies Only	0
Forms Only	12

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	_____	_____	_____	_____	_____	_____
Per Cent	_____	_____	_____	_____	_____	_____

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number _____
Per Cent _____

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

	AVERAGE	SHORTEST PERIOD	LONGEST PERIOD
Week 1	_____	_____	_____
Week 2	_____	_____	_____
Week 3	_____	_____	_____
Week 4	_____	_____	_____
Week 5	_____	_____	_____
MONTHLY AVERAGE	_____	_____	_____

b. Average for this month added to running total for previous months

January	0	May	0	September	0
February	0	June	0	October	0
March	0	July	0	November	0
April	0	August	0	December	0
Yearly Average to Date	0				

Page 5

11. Total hours per week the Law Library was open at this unit.

HOURS		If open for less than 40 hrs/week, please explain.
Week 1	40	
Week 2	40	
Week 3	40	
Week 4	40	
Week 5	40	
WEEKLY AVERAGE	40	(Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS	
Week 1	60
Week 2	60
Week 3	52.2
Week 4	60
Week 5	30

MONTHLY AVERAGE 53.05

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS	
Week 1	60
Week 2	60
Week 3	52.2
Week 4	60
Week 5	30

MONTHLY AVERAGE 53.05

(CONTINUED ON NEXT PAGE)

13.a. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE	MONTHLY AVERAGE	MONTHLY AVERAGE
January 43	May	September
February 74	June	October
March 40	July	November
April 53.05	August	December

YEARLY AVERAGE TO DATE _____

14. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VOLUME
There was no damage to			
Law Library materials for			
the month of April 1985			

15. Other Comments:

/S/

(Signature and Title of Respondent)

EXHIBIT LLLL

CUMULATIVE LAW LIBRARY STATISTICS (UNIT) ROBESON COUNTY—4340—April 25, 1985 to March 25, 1985

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS	N/A	MONTHLY TOTALS
Week 1	_____	January
Week 2	_____	February
Week 3	_____	March
Week 4	_____	April
Week 5	_____	May
TOTAL	_____	June
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS
		July
		August
		September
		October
		November
		December

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS	N/A	MONTHLY TOTALS
Week 1	_____	January
Week 2	_____	February
Week 3	_____	March
Week 4	_____	April
Week 5	_____	May
TOTAL	_____	June
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS
		July
		August
		September
		October
		November
		December

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS	N/A	MONTHLY TOTALS
Week 1	_____	January
Week 2	_____	February
Week 3	_____	March
Week 4	_____	April
Week 5	_____	May
TOTAL	_____	June
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS
		July
		August
		September
		October
		November
		December

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	2	January	8
Week 2	3	February	6
Week 3	3	March	9
Week 4	1	April	10
Week 5	1	May	
		June	
TOTAL	10	RUNNING TOTAL FOR PREVIOUS MONTHS	
			610
			620

A-441

b. Total for this month added to running total for previous months

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	2	January	3
Week 2	3	February	6
Week 3	0	March	8
Week 4	5	April	12
Week 5	2	May	
		June	
TOTAL	12	RUNNING TOTAL FOR PREVIOUS MONTHS	
			246
			258

b. Total for this month added to running total for previous months

6. a. Total of ALL Inmates using the Law Library. (Combine item #4 and #5 above).

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	4	January	11
Week 2	6	February	12
Week 3	3	March	17
Week 4	6	April	22
Week 5	3	May	
		June	
TOTAL	22	RUNNING TOTAL FOR PREVIOUS MONTHS	
			722
			744

b. Total for this month added to running total for previous months

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal						
Habeas Corpus	1		1			2
Civil Rights (§ 1983)				1		1
Other	3	6	2	4	3	18

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	0
Habeas Corpus	3
Civil Rights (§ 1983)	12
Other	143

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	1		1	1		3
Category II	3	6	2	4	3	18
Photo Copies Only	1		1	1		3
Forms Only		2				2

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	9
Category II	166
Photo Copies Only	4
Forms Only	3

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number				1		1
Per Cent				1.33		1.33

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR	
Number	1
Per Cent	1.33

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

AVERAGE	SHORTEST PERIOD	LONGEST PERIOD
Week 1 14	1	22
Week 2 5	1	26
Week 3 1.33	1	2
Week 4 14	3	29
Week 5 12.33	8	18

MONTHLY AVERAGE 7.13

b. Average for this month added to running total for previous months.

January	5.6	May	September
February	2.6	June	October
March	8	July	November
April	7.13	August	December
Yearly Average to Date	5.83		

11. Total hours per week the Law Library was open at this unit.

	HOURS	If open for less than 40 hrs/week, please explain.
Week 1	40	
Week 2	40	
Week 3	40	
Week 4	40	
Week 5	40	
WEEKLY AVERAGE	40	(Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS
Week 1 8
Week 2 8
Week 3 8
Week 4 8
Week 5 8

MONTHLY AVERAGE 8

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS
Week 1 2.25
Week 2 1.5
Week 3 1.66
Week 4 2.41
Week 5 1.83

MONTHLY AVERAGE 1.93

c. (CONTINUED ON NEXT PAGE)

12. c. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE		MONTHLY AVERAGE	
January	4.8	May	September
February	1.5	June	October
March	2	July	November
April	1.93	August	December
YEARLY AVERAGE TO DATE		2.55	

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VALUE

14. Other Comments:

/S/ JOE JACOBS
(Signature and Title of Respondent)

EXHIBIT MMMM

CUMULATIVE LAW LIBRARY STATISTICS (UNIT) Warren—#4270.—April, 1985

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	_____	January	_____
Week 2	_____	February	_____
Week 3	_____	March	_____
Week 4	_____	April	_____
Week 5	_____	May	_____
TOTAL	_____	June	_____
		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	_____
		August	_____
		September	_____
		October	_____
		November	_____
		December	_____
		Total for this month added to running total for previous months	

b. Total for this month added to running total for previous months

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	_____	January	_____
Week 2	_____	February	_____
Week 3	_____	March	_____
Week 4	_____	April	_____
Week 5	_____	May	_____
TOTAL	_____	June	_____
		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	_____
		August	_____
		September	_____
		October	_____
		November	_____
		December	_____
		Total for this month added to running total for previous months	

b. Total for this month added to running total for previous months

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	2	January	11
Week 2	1	February	14
Week 3	1	March	6
Week 4	4	April	9
Week 5	1	May	_____
TOTAL	9	June	_____
		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	_____
		August	_____
		September	_____
		October	_____
		November	_____
		December	31
		Total for this month added to running total for previous months	
		40	

b. Total for this month added to running total for previous months

Page 2

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	2	January	23
Week 2	5	February	12
Week 3	3	March	18
Week 4	5	April	16
Week 5	1	May	
		June	
TOTAL	16	RUNNING TOTAL FOR PREVIOUS MONTHS	
			53
			69

b. Total for this month added to running total for previous months

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	1
Week 2	0	February	2
Week 3	0	March	0
Week 4	0	April	0
Week 5	0	May	
		June	
TOTAL	0	RUNNING TOTAL FOR PREVIOUS MONTHS	
			3
			3

b. Total for this month added to running total for previous months

6. a. Total of ALL Inmates using the Law Library (Combine item #4 and #5 above).

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	2	January	24
Week 2	5	February	14
Week 3	3	March	18
Week 4	5	April	16
Week 5	1	May	0
		June	0
TOTAL	16	RUNNING TOTAL FOR PREVIOUS MONTHS	
			0
			0
			0
			0
			0
			56
			72

b. Total for this month added to running total for previous months

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal						
Habeas Corpus						
Civil Rights (§ 1983)						
Other	2	5	3	5	1	16

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	1
Habeas Corpus	3
Civil Rights (§ 1983)	68
Other	

A-448

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I		1	1	1		
Category II	2	5	3	4	1	
Photo Copies Only	1	3	3	5		
Forms Only						

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	8
Category II	66
Photo Copies Only	19
Forms Only	10

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	_____	_____	_____	_____	_____	_____
Per Cent	_____	_____	_____	_____	_____	_____

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number	_____
Per Cent	_____

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

	AVERAGE	SHORTEST PERIOD	LONGEST PERIOD
Week 1	3	3	3
Week 2	3	1	5
Week 3	3	1	5
Week 4	1.5	1	2
Week 5	1	1	1
MONTHLY AVERAGE	2.30		

b. Average for this month added to running total for previous months

January	.45	May	September
February	.25	June	October
March	2.3	July	November
April	2.3	August	December
Yearly Average to Date	1.32		

11. Total hours per week the Law Library was open at this unit.

	HOURS	If open for less than 40 hrs/week, please explain.
Week 1	40	
Week 2	40	
Week 3	40	
Week 4	40	
Week 5		
WEEKLY AVERAGE	40	(Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS

Week 1	2
Week 2	1.12
Week 3	2.06
Week 4	2.30
Week 5	2

MONTHLY AVERAGE 1.89

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS

Week 1	2
Week 2	1.12
Week 3	2.06
Week 4	2.30
Week 5	2

MONTHLY AVERAGE 1.89

c. (CONTINUED ON NEXT PAGE)

12. c. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE		MONTHLY AVERAGE	
January	.30	May	September
February	4.3	June	October
March	1.3	July	November
April	1.89	August	December

YEARLY AVERAGE TO DATE 1.94

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VALUE

14. Other Comments:

/S/ (Illegible)

(Signature and Title of Respondent)

EXHIBIT NNNN

CUMULATIVE LAW LIBRARY STATISTICS (UNIT) Wataga—May 3, 1985

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	_____	January	_____
Week 2	_____	February	_____
Week 3	_____	March	_____
Week 4	_____	April	_____
Week 5	_____	May	_____
TOTAL	_____	June	_____
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	_____
		August	_____
		September	_____
		October	_____
		November	_____
		December	_____
			0

A-452

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	_____	January	_____
Week 2	_____	February	_____
Week 3	_____	March	_____
Week 4	_____	April	_____
Week 5	_____	May	_____
TOTAL	_____	June	_____
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	_____
		August	_____
		September	_____
		October	_____
		November	_____
		December	_____
			0

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	1	January	22
Week 2	2	February	1
Week 3	_____	March	5
Week 4	_____	April	4
Week 5	1	May	0
TOTAL	4	June	0
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	_____
		August	_____
		September	_____
		October	_____
		November	_____
		December	28
			32

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS					MONTHLY TOTALS				
Week 1	3				January	21	July		
Week 2	7				February	9	August		
Week 3	4				March	13	September		
Week 4	0				April	19	October		
Week 5	5				May		November		
TOTAL	19				June		December		
Total for this month added to running total for previous months					RUNNING TOTAL FOR PREVIOUS MONTHS				
					43				
					62				

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal						
Habeas Corpus						
Civil Rights (§ 1983)		2			3	5
Other	3	9			3	15

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	1
Habeas Corpus	1
Civil Rights (§ 1983)	11
Other	55

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I						
Category II		1	1		1	3
Photo Copies Only						
Forms Only	2	5	3		4	14

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	0
Category II	51
Photo Copies Only	0
Forms Only	17

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number						0
Per Cent						0

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number	0
Per Cent	0

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

	AVERAGE	SHORTEST PERIOD	LONGEST PERIOD
Week 1	2	2	2
Week 2	2	2	2
Week 3	2	2	2
Week 4	2	2	2
Week 5			
MONTHLY AVERAGE	2		

b. Average for this month added to running total for previous months.

January	1.5	May	September
February	1.375	June	October
March	2	July	November
April	2	August	December
Yearly Average to Date	1.250		

11. Total hours per week the Law Library was open at this unit.

HOURS		If open for less than 40 hrs/week, please explain.
Week 1	15	
Week 2	15	
Week 3	15	
Week 4	15	
Week 5	15	
WEEKLY AVERAGE		15 (Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS	
Week 1	1
Week 2	1
Week 3	1
Week 4	1
Week 5	

MONTHLY AVERAGE 1

- b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS	
Week 1	1
Week 2	1½
Week 3	½
Week 4	2
Week 5	

MONTHLY AVERAGE 1.25

- c. (CONTINUED ON NEXT PAGE)

MONTHLY AVERAGE

YEARLY AVERAGE TO DATE	.75
------------------------	-----

VALUE

14. Other Comments:

(Signature and Title of Respondent)

EXHIBIT 0000

CUMULATIVE LAW LIBRARY STATISTICS (UNIT) WCC #3905—April, 1985

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	_____	January	_____
Week 2	_____	February	_____
Week 3	_____	March	_____
Week 4	_____	April	_____
Week 5	_____	May	_____
TOTAL	_____	June	_____
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	_____
		August	_____
		September	_____
		October	_____
		November	_____
		December	_____

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	_____	January	_____
Week 2	_____	February	_____
Week 3	_____	March	_____
Week 4	_____	April	_____
Week 5	_____	May	_____
TOTAL	_____	June	_____
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	_____
		August	_____
		September	_____
		October	_____
		November	_____
		December	_____

3. a. Title 3—North Carolina General Statutes & United States Code Annotated.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	_____	January	11
Week 2	_____	February	8
Week 3	1	March	3
Week 4	3	April	4
Week 5	_____	May	_____
TOTAL	4	June	_____
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	22
		August	26
		September	_____
		October	_____
		November	_____
		December	_____

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	_____	January	11
Week 2	_____	February	8
Week 3	1	March	3
Week 4	3	April	4
Week 5	_____	May	_____
TOTAL	4	June	_____
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	
		August	
		September	
		October	
		November	
		December	
		22	
		26	

A-459

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	_____	January	_____
Week 2	_____	February	_____
Week 3	_____	March	_____
Week 4	_____	April	_____
Week 5	_____	May	_____
TOTAL	_____	June	_____
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	
		August	
		September	
		October	
		November	
		December	

6. a. Total of ALL Inmates using the Law Library. (Combine item #4 and #5 above).

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	_____	January	11
Week 2	_____	February	8
Week 3	1	March	3
Week 4	3	April	4
Week 5	_____	May	_____
TOTAL	4	June	_____
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	
		August	
		September	
		October	
		November	
		December	
		22	
		26	

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal			1	1		2
Habeas Corpus				1		1
Civil Rights (§ 1983)				1		1
Other						

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	22
Habeas Corpus	1
Civil Rights (§ 1983)	3
Other	0

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I						
Category II			1	3		4
Photo Copies Only				2		2
Forms Only						

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	8
Category II	18
Photo Copies Only	4
Forms Only	

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number						0
Per Cent						0%

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number 1
Per Cent 4%

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

	AVERAGE	SHORTEST PERIOD	LONGEST PERIOD
Week 1	0		
Week 2	0		
Week 3	5 days	5 days	
Week 4	6 days	5 days	7 days
Week 5	0 days		

MONTHLY AVERAGE 2.2 days

b. Average for this month added to running total for previous months

January	<u>1.4 days</u>	May	September
February	<u>1.1 days</u>	June	October
March	<u>1.5½ days</u>	July	November
April	<u>2.2 days</u>	August	December
Yearly Average to Date	<u>1.7½ days</u>		

11. Total hours per week the Law Library was open at this unit.

HOURS		If open for less than 40 hrs/week, please explain.
Week 1	32	School Workday
Week 2	32	Easter Holiday
Week 3	40	
Week 4	36	Library closed for half a day for Staff training
Week 5	16	2 days
WEEKLY AVERAGE	31.1 hrs.	(Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS
Week 1
Week 2
Week 3 1½
Week 4 1½
Week 5

MONTHLY AVERAGE 1½

- b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS
Week 1
Week 2
Week 3 30 min.
Week 4 60 min.
Week 5

MONTHLY AVERAGE 49 min.

- c. (CONTINUED ON NEXT PAGE)

12. c. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE		MONTHLY AVERAGE		MONTHLY AVERAGE	
January	24.8 min.	May		September	
February	37 min.	June		October	
March	30 min.	July		November	
April	49 min.	August		December	

YEARLY AVERAGE TO DATE 35.2 min.

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VALUE
None			

14. Other Comments:

None

/s/ (Illegible)

(Signature and Title of Respondent)

EXHIBIT PPPP

CUMULATIVE LAW LIBRARY STATISTICS (UNIT) Southern Correctional Center 3600, April, 1985

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS

Week 1 2
Week 2 1
Week 3 6
Week 4 8
Week 5 0

TOTAL 17

MONTHLY TOTALS

January 11
February 9
March 5
April 17
May
June
July
August
September
October
November
December

RUNNING TOTAL FOR PREVIOUS MONTHS

25
42

b. Total for this month added to running total for previous months.

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS

Week 1 0
Week 2 0
Week 3 3
Week 4 1
Week 5 0

TOTAL 4

MONTHLY TOTALS

January 8
February 3
March 8
April 4
May
June
July
August
September
October
November
December

RUNNING TOTAL FOR PREVIOUS MONTHS

19
23

b. Total for this month added to running total for previous months

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS

Week 1 0
Week 2 1
Week 3 4
Week 4 6
Week 5 1

TOTAL 11

MONTHLY TOTALS

January 7
February 5
March 7
April 11
May
June
July
August
September
October
November
December

RUNNING TOTAL FOR PREVIOUS MONTHS

26
37

b. Total for this month added to running total for previous months

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	11	January	84
Week 2	12	February	70
Week 3	16	March	74
Week 4	17	April	67
Week 5	11	May	
		June	
TOTAL	67	RUNNING TOTAL FOR PREVIOUS MONTHS	
			228
			295

b. Total for this month added to running total for previous months

A-465

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	10	January	31
Week 2	8	February	35
Week 3	9	March	44
Week 4	8	April	35
Week 5	0	May	
		June	
TOTAL	35	RUNNING TOTAL FOR PREVIOUS MONTHS	
			110
			145

b. Total for this month added to running total for previous months

6. a. Total of ALL Inmates using the Law Library. (Combine item #4 and #5 above).

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	21	January	115
Week 2	20	February	105
Week 3	25	March	117
Week 4	25	April	102
Week 5	11	May	
		June	
TOTAL	102	RUNNING TOTAL FOR PREVIOUS MONTHS	
			337

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	0	0	0	1	0	1
Habeas Corpus	1	1	3	1	0	6
Civil Rights (§ 1983)	1	6	9	4	1	21
Other	10	15	20	25	4	74

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	22
Habeas Corpus	14
Civil Rights (§ 1983)	64
Other	230

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	2	2	0	0	2	6
Category II	22	19	24	24	9	98
Photo Copies Only	3	1	4	1	3	12
Forms Only	1	2	1	4	1	9

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	35
Category II	404
Photo Copies Only	44
Forms Only	45

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	4	4	11	10	2	31
Per Cent	13%	13%	20%	20%	15%	16%

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number	70
Per Cent	26%

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

	AVERAGE	SHORTEST PERIOD	LONGEST PERIOD
Week 1	43	2	22
Week 2	10	3	65
Week 3	18	1	62
Week 4	18	2	63
Week 5	19	9	54

MONTHLY AVERAGE 22

b. Average for this month added to running total for previous months

January	26	May	September
February	21	June	October
March	16	July	November
April	22	August	December

Yearly Average to Date 22.1

11. Total hours per week the Law Library was open at this unit.

HOURS		If open for less than 40 hrs/week, please explain.
Week 1	40	
Week 2	32	
Week 3	40	
Week 4	40	
Week 5	40	
WEEKLY AVERAGE		One day holiday!
WEEKLY AVERAGE		34.5 (Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS	
Week 1	2.4
Week 2	2.4
Week 3	3.1
Week 4	2.0
Week 5	2.0

MONTHLY AVERAGE 2.12

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS	
Week 1	1.4
Week 2	1.0
Week 3	1.3
Week 4	1.1
Week 5	1.3

MONTHLY AVERAGE 1.14

c. (CONTINUED ON NEXT PAGE)

12. c. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE		MONTHLY AVERAGE		MONTHLY AVERAGE	
January	5.2 hrs.		May		September
February	1.14 hrs.		June		October
March	2.46 hrs.		July		November
April	2.55 hrs.		August		December
YEARLY AVERAGE TO DATE		3.17			

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VALUE
N/A	N/A	N/A	N/A

14. Other Comments:

N/A
N/A
N/A
N/A
N/A

/s/ RANDY D. EAST

(Signature and Title of Respondent)
LAW LIBRARY SUPERVISOR

EXHIBIT QQQQ

LAW LIBRARY
(UNIT) BLANCH YOUTH CENTER #3940

A-470

DATE	INMATES NAME	ITEM COPIED	NO. OF P.	TOTAL PHOTOS MADE	CHARGE		COPY
					FREE	AMOUNT	
1-2-85	Stephan Jordan	Petition	5	15	X		
1-2-85	Samuel McQueen	Habeas Corpus	5	20	X		
1-2-85	Vander McDongle	Writ. Cert	5	50	X		
1-2-85	Joseph Wideman	Writ Cert.	5	50	X		
1-2-85	Anthony McMillian	Divorce	8	16	X		
1-2-85	Theodore Williams	Legal Papers	15	15	X		
1-3-85	Willie Mosley	Civil Suit	5	25	X		
1-9-85	Vander McDougale	Exhibits	16	62	X		
1-9-85	Charles Burch	Civil Suit	9	72	X		
1-10-85	Robert Lambing	Jail Credit	2	6	X		
1-11-85	Donald Alston	Motion	7	14	X		
1-14-85	Charles Burch	Legal Doc.	5	40	X		
1-16-85	Donnie Hancock	Divorce	6	8	X		
1-16-85	Donnie Hancock	Court Orders	2	21	X		
1-16-85	Kelly Bullins	Divorce	9	17	X		
1-16-85	Donnie Hancock	etitions	40	160	X		
1-16-85	Donnie Hancock	Writ of Mand.	2	20	X		
1-16-85	Donnie Hancock	Exhabits	2	4	X		
1-17-85	David Satterfield	Civil Suit	8	32	X		
1-24-85	Kenneth Vaughn	App. Relief	7	21	X		
1-25-85	Steven Thompon	Divorce	3	9	X		
1-25-85	Willie Mosley	App. Relief	7	36	X		
1-28-85	Ricky Terrell	Transcript	22	22	X		

(NOTE) ALL COPIES MADE FREE OF CHARGE

LAW LIBRARY
(UNIT) BLANCH YOUTH CENTER #3940

A-471

DATE	INMATES NAME	ITEM COPIED	NO. OF P.	TOTAL PHOTOS MADE	CHARGE	COPY
					FREE	AMOUNT
2-1-85	John Saunders	Writ	1	5	X	
2-1-85	Joseph Wideman	Motion	7	28	X	
2-1-85	Cris Satterfield	Legal Doc.	1	4	X	
2-5-85	Curtis Webber	Trial Records	4	12	X	
2-8-85	Bobby Willard	Brief	7	35	X	
2-11-85	Allan Saferight	Motion	28	149	X	
2-11-85	John Saunders	Writ	8	40	X	
2-13-85	Donald Kelly	Petition Exhib.	69	420	X	
2-13-85	William Parr	Petition	14	168	X	
2-13-85	Donald Kelly	Court Orders	1	7	X	
2-14-85	Willie Mosley	Mot. to Respond	4	20	X	
2-20-85	Edward McCrae	Civil Suit	8	56	X	
2-25-85	Willie Mosley	Motion	7	28	X	
2-25-85	Willie Mosley	Petition	7	62	X	
2-26-85	Jackie Hollinworth	Civil Suit	8	37	X	

(NOTE) ALL COPIES MADE FREE OF CHARGE

LAW LIBRARY
(UNIT) BLANCH YOUTH CENTER #3940

DATE	INMATES NAME	ITEM COPIED	NO. OF P.	TOTAL PHOTOS MADE	CHARGE	COPY
					FREE	AMOUNT
3-1-85	Bobby Willard	Motion	3	15	X	
3-1-85	Linwood Martin	Motion	25	25	X	
3-4-85	Leonard Gaston	Transcript	2	1	X	
3-5-85	Allan McCrimmon	Civil Suit	8	32	X	
3-6-85	James Neeley	Trial Records	2	6	X	
3-8-85	Charles Burch	Motion	16	32	X	
3-9-85	Leroy Linville	App. Relief	7	28	X	
3-19-85	Barry Ross	Divorce	6	16	X	
3-19-85	Donald Kelly	Motion	2	8	X	
3-19-85	Donald Kelly	Affidavit	15	17	X	
3-20-85	Moses McKay	T. Fund. Cef.	1	5	X	
3-20-85	Lonnie Hardy	Motion	2	6	X	
3-20-85	William Davis	Civil Action	5	30	X	
3-20-85	Robert Howell	App. Relief	8	40	X	
3-20-85	Willie Mosley	1983	8	24	X	
3-21-85	Horace Stokes	App. Relief	8	32	X	
3-21-85	Donald Rosseau	Habeas Corpus	31	176	X	
3-22-85	Gary Lester	App. Relief	6	32	X	
3-25-85	Darrell Sanders	Civil Suit	9	36	X	
3-25-85	Willie Mosley	Motion	4	12	X	
3-26-85	Eugene Strader	Petition	4	41	X	
3-27-85	Donnie Hancock	Writ of Mand.	16	80	X	
3-28-85	Robert Overby	App. Relief	4	12	X	

(NOTE) ALL COPIES MADE FREE OF CHARGE

LAW LIBRARY
(UNIT) BLANCH YOUTH CENTER #3940

DATE	INMATES NAME	ITEM COPIED	NO. OF P.	TOTAL PHOTOS MADE	CHARGE	
					FREE	COPY AMOUNT
4-1-85	Willie Mosley	Pre-trial	8	32	X	
4-3-85	Steven Wilson	Motion	4	12	X	
4-4-85	Richard Yerty	Com. of Sent.	3	9	X	
4-5-85	Gary Lester	Writ	5	16	X	
4-5-85	David Cilvenham	Writ of Cet.	12	48	X	
4-11-85	Eddie Holcombe	Speedy Trial	6	12	X	
4-12-85	William Hunter	Appeal	14	60	X	
4-12-85	Freddie Simmons	Indictments	8	8	X	
4-15-85	William Cobb	Civil Suit	9	36	X	
4-16-85	John Chambers	Habeas Corpus	36	228	X	
4-16-85	Bobby Staley	Habeas Corpus	22	107	X	
4-16-85	Meritt Williams	Civil Suit	9	45	X	
4-18-85	Ronald Hunt	Legal Letter	2	2	X	
4-19-85	Franklin Leonard	Motion to amend	6	36	X	
4-19-85	Ronald Hunt	Legal Letter	2	2	X	
4-24-85	Darrell Saunders	Civil Suit	10	80	X	
4-24-85	Samuel McQueen	Petition	33	132	X	
4-24-85	Steve Allred	App. Relief	18	90	X	
4-24-85	Samuel McQueen	Legal Letter	1	5	X	
4-25-85	John Chambers	Habeas Corpus	6	24	X	
4-25-85	Gene Strader	Habeas Corpus	25	75	X	
4-25-85	Ronald Winnex	Habeas Corpus	17	65	X	
4-25-85	Michael Paige	Civil Suit	8	32	X	
4-25-85	Robert Howell	Writ of Cert.	13	65	X	

(NOTE) ALL COPIES MADE FREE OF CHARGE

EXHIBIT RRRR

CALEDONIA LAW LIBRARY		CALEDONIA CORRECTIONAL INSTITUTE									
		XEROX LOG		MONTH OF <u>April</u> , 1985							
		Page 1									
DATE	NAME	COPIES ONLY	OFFICIAL	CALEDONIA	ODOM	HALIFAX	CURRITUCK	PENDER	COPIES ONLY TOTALS	#	
APR 1 1985	Bill Cline		DD		353				0	353	
APR 2 1985	Melvin Surgeon	✓	DD	82					6	117	
	Lee Williams	✓	DD		8						
	Eldridge Hodge	✓	DD		8						
	Joseph Shaw	✓	DD		7						
	Jimmy Warren	✓	DD		7						
	Charles Bostic	✓	DD		5						
APR 3 1985	Willard Self		DD	16					0	16	
APR 4 1985	Curtis Downing	✓	DD				12		1	12	
APR 5 1985	Curtis Shuler	✓	DD	98					1	98	
APR 8 1985	Closed (Holiday)										
APR 9 1985	Freddie Curbelt		DD		58				0	58	
APR 10 1985	Ed Gancy		DD		78				2	145	
	Terry Barness		DD	15							
	Bennie Linder	✓	DD	50							
	Jimmy Warren	✓	DD		2						
APR 11 1985	Louis Dizor	✓	DD		96				1	96	
APR 12 1985	None										
	TOTALS:			261	622	0	12		11	895	

CALEDONIA LAW LIBRARY		CALEDONIA CORRECTIONAL INSTITUTE					XEROX LOG		MONTH OF April, 1985	
		Page 2								
DATE	NAME	COPIES ONLY	OFFICIAL	CALEDONIA	ODOM	HALIFAX	CURRITTUCK	PENDER	COPIES ONLY TOTALS	#
APR 14 1985	Gary Teague		DD	20					0	20
APR 16 1985	Bobby Byrd	✓	DD	18					1	18
APR 17 1985	Fred Corbett	✓	DD		26				2	28
	Louis Dizor	✓	DD		2					
APR 18 1985	William Bullins	✓	JD		35				5	129
	John Heard	✓	JD		8					
	Robert Pruitt	✓	JD		62					
	Robert Adams	✓	JD	14						
	Illegible	✓	JD	10					1	
APR 19 1985	Wally Brooks	✓	JD	41					3	97
	Willie Applewhite	✓	JD	6						
	Charles Finch	✓	JD	50						
APR 22 1985	Eldridge Hodge	✓	DD		6				1	6
APR 23 1985	Charles Bostic	✓	DD		81				1	81
APR 24 1985	None								0	0
APR 25 1985	William Wood	✓	DD	30					3	265
	Thomas Fulton	✓	DD	231						
	Rodney Thompson	✓	DD		4					
APR 26 1985	Hal Whitfield	✓	DD		8				1	8
	TOTALS:			420	232	0	0		17	652

CALEDONIA LAW LIBRARY

CALEDONIA CORRECTIONAL INSTITUTE

XEROX LOG

MONTH OF April, 1985

Page 3

[illegible]

CALEDONIA LAW LIBRARY			XEROX LOG		CALEDONIA CORRECTIONAL INSTITUTE					MONTH OF <u>March</u> , 1985	
			Page 1								
DATE	NAME	COPIES ONLY	OFFICIAL	CALEDONIA	ODOM	HALIFAX	CURRITUCK	PENDER	COPIES ONLY TOTALS	#	
MAR 1 1985	None		DD						0	0	
MAR 4 1985	None		DD						0	0	
MAR 5 1985	None		DD						0	0	
MAR 6 1985	Donald Harding	✓	DD		45				6	103	
	Raymond Creason	✓	DD		11						
	Bill Cline	✓	DD		0						
	Mark Finley	✓	DD		33						
	Fred Corbett	✓	DD		6						
	Roger Everhart	✓	DD		8						
MAR 7 1985	David Harper	✓	DD				0		2	36	
	Charles Thomas	✓	DD	36							
MAR 8 1985	Charles Bostic	✓	DD		46				1	324	
	Willard Self		DD	278							
MAR 11 1985	Freddie Corbett		DD		206				0	206	
MAR 12 1985	Daniel Boone	✓	DD	8					1	8	
MAR 13 1985	Edward Gancy	✓	DD		0				2	36	
	Donald Harding	✓	DD		36						
MAR 14 1985	Willard Self		DD	159					0	159	
MAR 15 1985									0	0	
	TOTALS:			481	391	0	0		12	872	

CALEDONIA LAW LIBRARY		XEROX LOG		CALEDONIA CORRECTIONAL INSTITUTE		MONTH OF <u>March</u> , 1985				
		Page 2								
DATE	NAME	COPIES ONLY	OFFICIAL	CALEDONIA	ODOM	HALIFAX	CURRITUCK	PENDER	COPIES ONLY TOTALS	#
MAR 19 1985	Lenwood Philips		DD					46	6	216
	Willard Self	✓	DD	4						
	Gerald Hutts	✓	DD		46					
	Junior Chin	✓	DD		84					
	Charles Luther	✓	DD		16					
	John Campbell	✓	DD		0					
	Curtis Downing	✓	DD				20			
MAR 20 1985	Louis Dozor	✓	DD		25				1	25
MAR 21 1985	Daniel Boone	✓	DD	9					1	9
MAR 22 1985	Larry Cooper	✓	DD		56				3	508
	Gerald Bryant	✓	DD		5					
	Dean Chandler	✓	DD		5					
	Ed Gancy		DD		442					
MAR 25 1985	Edney Whiteside		DD	4					0	4
MAR 26 1985	Fred Corbitt		DD		55				1	411
	Ed Gancy	✓	DD		356					
MAR 27 1985	Nichola Harvey	✓	DD		2				2	8
	Robert Pruitt	✓	DD		6					
MAR 28 1985	Phillip Efird	✓	DD		8				1	8
	TOTALS:			17	1106		20	46	15	1189

CALEDONIA LAW LIBRARY				XEROX LOG		CALEDONIA CORRECTIONAL INSTITUTE				MONTH OF February , 1985		
				Page 1								
DATE	NAME	COPIES ONLY	OFFICIAL	CALEDONIA	ODOM	HALIFAX	CURRITUCK	PENDER	COPIES ONLY TOTALS	#		
FEB 1 1985	None		DD						0	0		
FEB 4 1985	Willard Self	✓	DD	38					2	76		
	Zolta Howie	✓	DD	38								
FEB 5 1985	Bobby Byrd		DD	3					0	3		
FEB 6 1985	Roger Lawson	✓	DD		0				3	0		
	Eldridge Hodge	✓	DD		0							
	Luther Lowe	✓	DD		0							
FEB 7 1985	None		DD						0	0		
FEB 8 1985	George Baldwin	✓	DD	16					2	27		
	George Adams	✓	DD	11								
FEB 11 1985	Bill Cline	✓	DD		6				1	6		
FEB 12 1985	Robert Neeley	✓	DD		5				1	5		
FEB 13 1985	Robert Jones	✓	DD	2					2	200		
	Ezekeal Hall	✓	DD	198								
FEB 14 1985	Raymond Creason	✓	DD		18				6	60		
	Clifton Ellis	✓	DD		25							
	Eldridge Hodge	✓	DD		8							
	Louis Dozor	✓	DD		8							
2/14 Cont Page 2	Roger Lawson	✓	DD		1							
	TOTALS:			306	71	0			17	377		

CALEDONIA LAW LIBRARY			XEROX LOG		CALEDONIA CORRECTIONAL INSTITUTE			MONTH OF February, 1985	
			Page 2						
DATE	NAME	COPIES ONLY	OFFICIAL	CALEDONIA	ODOM	HALIFAX	CURRITUCK	COPIES ONLY TOTALS	#
FEB 14 1985	Claude Huggins	✓	DD		51				51
FEB 15 1985			JD					0	249
	Jessie Bates		JD	200					
	James J. Johnson		JD	47					
FEB 18 1985	Ed Gancy	✓	DD		0			2	1
	Joseph Shaw	✓	DD		1				
FEB 19 1985	Bobby Whisenant	✓	DD		6			1	6
FEB 20 1985	C.V. Cooley		DD	37				0	37
FEB 21 1985	Larry Wilson	✓	DD				0	2	12
	Henry Little	✓	DD				12		
FEB 22 1985	None		DD					0	0
FEB 25 1985	Willard Self	✓	DD	40				1	40
FEB 26	None		JD					0	0
FEB 27	Roger D. Young		JD	30				0	30
FEB 28	Walter Boyer		JD	40				0	75
	Eddie Pierce		JD	30					
	Thomas Fleming		RR	5					
	Page 1 Totals			306	71	0	0	17	377
	Page 2 Totals			431	58	0	12	6	501
All	TOTALS:			737	129	0	12	23	878

CALEDONIA LAW LIBRARY		CALEDONIA CORRECTIONAL INSTITUTE		XEROX LOG		MONTH OF January, 1985	
				Page 1			
DATE	NAME	COPIES ONLY	OFFICIAL	CALEDONIA	ODOM	HALIFAX	CURRITUCK
JAN 1 1985	Closed—Holiday						
JAN 2 1985	David Shabazz		DD	21			
	John Marvin		DD	6			
	Willard Self		DD	5			
	Calvin Dillard		DD				26
JAN 3 1985	James Avery		DD	30			
	James Linberry		DD	13			
JAN 4 1985	Rodney Thompson		DD		19		
JAN 7 1985	George Baldwin		DD	55			
JAN 8 1985	Daniel Boone		DD	21			
	Joseph Shaw		DD		31		
	William Walker		DD		2		
	Bobby Whisenant		DD		31		
JAN 9 1985	Jimmy McDaniel		DD		17		
	Alonzo Miller		DD		33		
	Roger Caldwell		DD		1		
JAN 10 1985	Richard McLanders		DD		36		
	Curtis Downing		DD				35
	Michael Hockaday		DD	51			
	TOTALS:			202	170	0	61
							433

MONTH OF January, 1985

DATE	NAME	OFFICIAL	CALEDONIA	ODOM	HALIFAX		
JAN 11 1985	None	DD					0
JAN 14 1985	Steven Scott	DD	15				52
	Robert Jones	DD	3				
	Edwin Thomas	DD		34			
JAN 15 1985	None	DD					0
JAN 16 1985	None	DD					
JAN 17 1985	None	DD					
JAN 18 1985	None	DD					
JAN 21 1985	Leon Mitchell	DD	25				96
	Steven Scott	DD	36				
	James Watkins	DD	35				
JAN 22 1985	None	DD					0
JAN 23 1985	Forrest Fate	DD		5			27
	Kenneth Webb	DD		2			
	Edward Thomas	DD		20			
JAN 24 1985	Willard Self	DD	32				32
JAN 25 1985	James Linberry	DD	38				202
	Eldridge Hodge	DD		14			
	Melvin Surgeon	DD	150				
	TOTALS:		334	75			409

EXHIBIT SSSS

PHOTOCOPY LOG LAW LIBRARY

(UNIT) CENTRAL PRISON

DATE	INMATE'S NAME	FORM COPIED	NUMBER OF PAGES	TOTAL PHOTOS MADE	BEGINNING & END COUNT ON COPY MACHINE
11/26/84	Legal Affairs	Forms/Stats	1x20	20	335503
11/26/84	Chaplain	Form	1x8	8	
11/26/84	Law Library	Fort. Cl. form	2x20	40	
11/26/84	Law Library	Photo cpy. Form	1x40	40	
11/26/84	Charles Griffin	Forma Pauperis	3x3	9	
11/26/84	Rayford A. Thompson	Forma Pauperis	2x3	6	
11/26/84	Joe Lewis	Motion	7x3	21	
11/26/84	John Puckett	Form	1x4	4	
11/26/84	Law Library	Schedule	1x9	9	
11/26/84	Law Library	Form	1x2	2	
11/27/84	Joe E. Lewis, Jr.	Motion	7x1	7	
11/27/84	Quintin Brown	Motion	5x10	50	
11/27/84	Quintin Brown	Motions	13x5	65	
11/27/84	Law Library	Schedule	1x12	12	
11/27/84	Chaplain	Form	4x2	8	
11/27/84	Quintin Brown	Motion	4x2	8	
11/27/84	Chaplain	Form	7x21	21	
11/28/84	Josh Matthews	1983 Motions	8x3	24	
11/28/84	Zeb Green	Order	2x3	6	
11/28/84	Law Library	Form	1x20	20	
11/28/84	Law Library	Form	2x10	20	
11/29/84	Chaplain	Bulletin	2x100 1x45	245	
11/29/84	Chaplain	Bulletin	1x7	7	
11/29/84	John Wendel	Suit-Motion	5x3	15	
11/29/84	Danny Campbell	Memo-Suprt. 1983	4x3	12	
11/29/84	William A. Brown	1983	10x8	80	
11/29/84	Leon J. Finkley	Report	2x2	4	
11/29/84	Quintin Brown	Ind. Comm. Interrogatories	2x5	10	
11/29/84	Stephan D. Harris	Order	2x4	8	
11/29/84	Cleatus A. Ford	Divorce	7x3	21	
11/30/84	Law Library	Ad testif Form	1x60	60	
11/30/84	James E. Price	Supplements	19x3	57	
11/30/84	Rayford Thompson	1983	4x7	28	

**PHOTOCOPY LOG
LAW LIBRARY
CENTRAL PRISON**

DATE	INMATE'S NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL MADE	COUNT ON MACHINE
11/30/84	Chaplain	Form	1x16	16	
12/3/84	Chaplain	Ltr	2x3	6	
12/3/84	Chaplain	Memo	1x4	4	
12/3/84	Legal Affairs	G.S.	1x3	3	
12/3/84	Legal Affairs	Motions	1x57	57	
12/3/84	Robert L. Hudson	Motion	2x3	6	
12/3/84	David A. Moore	Motions	18x1	18	
12/3/84	David A. Moore	Motions	44x6	264	
12/3/84	David A. Moore	Certify Mailing	6x6	36	
12/3/84	John N. Lockomy	Habeas Corpus	8x4	32	
12/4/84	Chaplain	Raliten	1x42	42	
14/4/84	Law Library	Forms	1x5	5	
12/4/84	Quintin Brown	Lgl. Ltr.	1x5	5	
12/4/84	Ronnie Gibbons	Rebuttal	16x4	64	
12/14/84	Law Library	Schedule	1x9	9	337112
12/5/84	Law Library	Activity Log	1x1	1	
12/5/84	Chaplain	Bulletin	1x83	83	
12/5/84	Quintin Brown		6x5	30	
12/5/84	John Hockaday		13x1	13	
12/5/84	Ralph Rankin		2x5	10	
12/5/84	James Skinner		5x6	30	
12/6/84	David A. Moore	U.S.C.A. 84-6286	1x6	6	
12/6/84	Jack Burk	Motion	2x3	6	
12/16/84	Robert L. Gatlen	Certiorari	15x3	45	
12/16/84	Law Library	Schedule	1x9	9	337379
12/7/84	Law Library	Activity Log	1x1	1	
12/7/84	Chaplain	Form	1x5	5	
12/10/84	Larry D. Becton	Motion	9x3	27	
12/10/84	Law Library	Activity Log	1x1	1	
12/10/84	Chaplain	Form	2x3	6	
12/10/84	Law Library	Schedule	1x10	10	
12/10/84	Law Library	Form	1x5	5	
12/11/84	Law Library	Forms	2x40	80	

**PHOTOCOPY LOG
LAW LIBRARY
CENTRAL PRISON**

A-487

DATE	INMATE'S NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL MADE	COUNT ON MACHINE
12/11/84	Harvey Blake	Civil Action	16x5	80	
12/11/84	James Horner	Petition	5x4	20	
12/11/84	Law Library	Schedule	1x9	9	
12/12/84	Chaplain	Bulletin	1x105	105	
12/12/84	Laundry (Mr. Jones)	Form	1x15	15	
12/12/84	Carson W. Grooms	Mot. App. Rel.	4x3	12	
12/12/84	Law Library	Activity Log	1x1	1	
12/13/84	Robert Thacker	Notice-Appeal	1x3	3	
12/13/84	Robert J. Leffer	Motion	6x3	18	
12/13/84	William H. Gurganus	Civil Suit	3x4	12	
12/13/84	William H. Gurganus	Exhibits	3x4	12	
12/13/84	Law Library	Form	1x1	1	
12/14/84	Legal Affairs	Forms	23x6	138	
12/14/84	Bobby Tripplett	Med. Forms	2x2	4	
12/17/84	Chaplain	Forms	1x35	35	
12/17/84	Edward Roark	OB/Ctn. Order	4x3	12	
12/17/84	Ronald W. Smith	Cert. & Exhibits	47x4	188	
12/17/84	Willie Smith	1983	1x3	3	
12/17/84	Stephen D. Harris	Exhibits	4x2	8	
12/17/84	Roger McKoy	End. Comm.	2x5	10	
12/17/84	John Wendel	Petition	3x3	9	
12/17/84	Robert Thacker	Civil Action	3x8	24	
12/17/84	Bennie Linder	Complaint	12x4	48	
12/17/84	Law Library	Schedule	10x1	10	
12/18/84	Chaplain	Form	2x1	2	
12/18/84	Chaplain	Form	1x48	48	
12/18/84	Gym	Form	1x3	3	
12/18/84	Law Library	Schedule	1x9	9	
12/18/84	Ronald Smith	Motion	2x4	8	
12/19/84	Law Library	Form	1x1	1	
12/20/84	Quintin Brown	Cert. of Service	1x5	5	
12/20/84	Quintin Brown	1983	9x5	45	
12/20/84	Dwight Toomer	Motion	3x4	12	
12/20/84	Rickey A. Bright	Order	4x3	12	

**PHOTOCOPY LOG
LAW LIBRARY
CENTRAL PRISON**

A-488

DATE	INMATE'S NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL MADE	COUNT ON MACHINE
12/20/84	Ronnie L. Moore	Motion	4x3	12	
12/20/84	Law Library	Sched. Forms	1x66	66	
12/20/84	Law Library	Schedule	1x7	7	
12/20/84	Law Library	Activity Log	1x1	1	
12/21/84	Bobby E. Smith	Habeas Corpus	25x3	75	
12/21/84	Law Library	Memorandum	1x21	21	
12/21/84	George Thrift, Jr.	Divorce	7x2	14	
21/21/84	Robert Thacker	1983	6x3	18	
12/21/84	Stephen D. Harris	Motions	5x3	15	
12/27/84	Legal Affairs	Forms	1x264	264	338730

**PHOTOCOPY LOG
LAW LIBRARY
CENTRAL PRISON**

A-489

DATE	INMATE'S NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL MADE	COUNT ON MACHINE
12/27/84	Law Library	Sched.	1x8	8	
12/27/84	Law Library	Activity log	1x1	1	
12/27/84	Law Library	Monthly Report	20x2	40	
12/27/84	David A. Moore	Mot. For Paup. U.S. S. Ct.	16x5	80	
12/28/84	Chaplain	Bulletin	1x100	100	
12/28/84	Library (Law)	Log Sheet	1x2	2	
12/28/84	Law Library	Roster	1x14	14	
12/28/84	Chaplain	Form	1x3	3	
12/31/84	Chaplain	Form	3x10	33	
12/31/84	Legal Aff.	Year End Report	4x2	8	
1/2/85	Zane Perkins	1983 Form	30x6	30	
1/2/85	Bennie L. Linder	1983 etc.	30x2	60	
1/2/85	Robert Thacker	Exhibit	3x4	12	339190
1/2/85	Law Library	Schedule	1x10	10	
1/2/85	Chaplain	Bulletin	2x100	200	
1/2/87	Law Library	Form	1x2	2	
1/3/84	Kermit Smith	Petition	6x3	18	
1/3/84	Jack Burke	Affidavit	3x4	12	
1/3/85	Law Library	Forms	1x10	10	
1/3/85	Law Library	Schedule	1x8	8	
1/3/84	Bennie L. Linder				
1/4/84	Law Library	Form	1x4	4	
1/4/85	Willie Smith	Cert. of Serv.	1x4	4	
1/4/84	Richard Johnson	Motion	2x3	6	
1/4/85	Law Library	Schedule	1x8	8	
1/4/84	Bennie L. Linder	Civil Compint.	13x14	182	
1/7/85	Legal Affairs	Complaint	1x9	9	
1/7/85	Law Library	P.O. Numbers	1x12	12	
1/7/85	Chaplain	Form	1x3	3	
1/7/85	Thomas Gurganus	Motion	2x2	4	
1/7/85	Ray E. Bruce	Motion-Atty.	4x3	12	
1/7/85	Michael Brooks	Motion-App. Rel.	10x3	30	
1/7/85	Law Library	Schedule	1x15	15	
1/7/85	Law Library	Stat & Monthly	25x1	25	

**PHOTOCOPY LOG
LAW LIBRARY
CENTRAL PRISON**

DATE	INMATE'S NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL MADE	COUNT ON MACHINE
1/8/85	Chaplain	Ltr.'s etc.	1x48	48	
1/8/85	Ernest Crunk	1983	5x4	20	
1/8/85	Stephen D. Harris	Exhibits	4x2	8	
1/8/85	Law Library	Statistical	140x1	140	
1/8/85	Dennis K. Woods	Habeas Corpus	18x4	72	
1/8/85	Joe F. Smith	Hab. Cor. for P.	1x4	4	
1/8/85	Law Library	Schedule	1x8	8	
1/9/85	Law Library	Sch. Log-form	1x10	10	
1/10/85	Chaplain	Bulletin	1x100	100	
1/10/85	Chaplain	Form	1x1	1	
1/10/85	Willie Smith	Motion-Reconsid.	3x3	9	
1/10/85	James Wells	Divorce	7x2	14	
1/10/85	Chaplain		115	115	
1/10/85	Cletus A. Ford	Power-Att'y.	1x2	2	
1/10/85	Chaplain	Letters	1x5	5	
1/10/85	Law Library	Schedule	1x6	6	
1/11/85	Stephen Harris	Motion	3x12	36	
1/11/85	James Lowery	Motion	2x3	6	
1/11/85	Reggie Polk	Motion	4x4	16	
1/11/85	Law Library	Activity log	1x2	14	
1/11/85	Law Library	Form	1x5	5	
1/11/85	David Lawson	Motion	1x14	14	
1/11/85	Law Library	Form	1x2	2	
1/11/85	Jeffrey Hanks	1983	5x4	20	
1/11/85	Law Library	Schedule	1x10	10	
1/14/85	Chaplain	Form	2x3	6	
1/14/85	Gym	Memo	1x1	1	
1/14/85	Wade T. Remington	Motion	8x3	24	
1/14/85	Chaplain	Form	1x1	1	
1/14/85	Law Library	Schedule	1x11	11	
1/15/85	David Moore	Motion	2x3	6	
1/15/85	Legal Affair	Form	1x4	4	
1/15/85	Chaplain	Ltr.	1x1	1	

PHOTOCOPY LOG
LAW LIBRARY
CENTRAL PRISON

A-491

DATE	INMATE'S NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL MADE	COUNT ON MACHINE
1/24/85	Eddie C. Jones	Motion	5x3	15	341894
DATE	INMATE'S NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL MADE	COUNT ON MACHINE
1/15/85	Joseph Pulley	Complaint?	3x3	9	
1/15/85	Law Library	Schedule	1x10	10	
1/15/85	Chaplain	Bulletin	1x75	75	
1/16/85	Law Library	Forms	6x36	216	
1/16/85	Law Library	Schedule	1x7	7	
1/17/85	Chaplain	Memo	1x23	23	
1/17/85	Law Library	Form	1x1	1	
1/17/85	Danny Hunter	Civil Action	5x3	15	
1/17/85	Arthur Thompson	Divorce	7x3	21	
1/17/85	Quintin Brown	Exhibits	43x4	172	
1/17/85	Joseph Messer	Motion	1x3	3	
1/17/85	Ralph Rankin	Motion	3x3	9	
1/17/85	Rodney Moore	Affidavit	4x3	12	
1/17/85	Stephen D. Harris	Exhibits	11x2	22	
1/17/85	Law Library	Form	1x40	40	
1/17/85	Law Library	Schedule	1x8	8	
1/18/85	Law Library	Form	1x1	1	
1/18/85	David A. Moore	Motion-Amend.	6x5	30	
1/18/85	Eddie C. Jones, Jr.	Divorce	10x4	40	1/21/85
1/21/85	Law Library	Schedule	1x8	8	
1/21/85	Dennis K. Wood	Traverse	4x36	144	
1/22/85	Chaplain	Form	1x3	3	
1/22/85	Robert Thacker	Motion	19x3	57	
1/22/85	Law Library	Activity log	1x1	1	
1/22/85	Law Library	Schedule	1x10	10	341569
1/23/85	Howard Black	Motion	4x3	12	
1/23/85	E.Z. Bell	Motion	4x3	12	
1/23/85	Law Library	Form	1x10	10	
1/23/85	Dan Pratt	Exhibits	1x4	4	
1/23/85	Chaplain	Forms	18x2	36	
1/23/85	Bennie Linder	Motion	5x6	30	
1/23/85	Chaplain	Form	1x10	10	
1/23/85	David Moore	Motion	13x6	78	
1/24/85	Law Library	Form	1x2	2	

**PHOTOCOPY LOG
LAW LIBRARY
CENTRAL PRISON**

DATE	INMATE'S NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL MADE	COUNT ON MACHINE
1/28/85	Chaplain	Bulletin	1x100	100	
1/28/85	Law Library	Monthly Reports	20x2	40	
1/28/85	Law Library	Form	1x7	7	
1/28/85	Law Library	Form	1x3	3	
1/28/85	Joe F. Smith	Inf. Brief	10x3	30	
1/28/85	Joe F. Smith	Exhibits	36x3	108	
1/28/85	Josh Matthews	1983	14x3	42	
1/28/85	Ralph Rankin	Inf. Brief	4x3	12	
1/28/85	E. Bell	Motion	7x6	42	
1/28/85	Law Library	Schedule	1x10	10	
1/28/85	Ralph Rankin	Cert. of Serv.	1x3	3	
1/28/85	Chaplain	Form	2x3	6	
1/28/85	Law Library	Record Thom. Gordon	1x2	2	342299
1/28/85	Law Library	Form	1x3	3	
1/28/85	Law Library	Form	1x4	4	
1/28/85	Gary L. Clayton	Memo & Letter	2x1	2	
1/29/85	Law Library	Activity log	1x2	2	342321 a.m.
1/29/85	Gary Teague	1983	5x3	15	
1/28/85	Law Library	Schedule	1x10	10	
1/29/85	Chaplain	Form	1x5	5	
1/29/85	Robert Lee Powell	Appeal	1x5	11	
1/29/85	William T. Hill	1983	9x4	36	
1/29/85	Chaplain	Bulletin	2x75	150	
1/29/85	Law Library	Schedule	1x10	10	
1/29/85	Bennie Linder	Motion	3x5	15	342563
1/30/85	Bernard Stewart	Motions (3)	7x2	14	
1/30/85	Chaplain	Ltr.	2x5	10	
1/30/85	John Kaplin	Documents	3x5	5	
1/30/85	Chaplain	Form	1x4	4	
1/30/85	Chaplain	Form	1x15	15	
1/30/85	Law Library	Schedule	1x10	10	342623
1/31/85	Joseph Pulley	1983	8x4	32	
1/31/85	Quinton Brown	Soc. Sec. Info.	8x2	16	
1/3/85	Quincy Corbett, Jr.	Motion	5x2	10	342684

**PHOTOCOPY LOG
LAW LIBRARY
CENTRAL PRISON**

DATE	INMATE'S NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL MADE	COUNT ON MACHINE
1/31/85	Bobby Smith	Exhibit	2x1	2	342685
1/31/85	Law Library	Schedule	1x9	9	342695
2/1/85	Kenneth Belton	Motion	1x2	2	
2/1/85	William Hill	1983	9x1	9	
2/4/85	Law Library	Activity Log	1x1	1	
2/4/85	Law Library	Schedule	1x10	10	
2/4/85	Law Library	Unknown	1x25	25	
2/4/85	Law Library	Form	4x4	7	342746
2/4/85	Tommy White	App. Relief	31x3	93	
2/4/85	Donald Freeman	Writ of Cert.	2x11	22	
2/4/85	Michael R. Wilson	Divorce	7x2	14	
	Law Library	Schedule	1x10	10	
	Law Library	New Form Set.	1x10	10	
2/4/85	William H. Carroll	Motion	4x4	16	
2/5/85	Law Library	Forms	3x2	6	342921
2/5/85	Law Library	Forms	3x4	12	
2/5/85	Jimmy Covington	Affidavit	1x4	4	
2/5/85	Law Library	Activity Log	1x1	1	
2/5/85	Law Library	Form	3x3	9	
2/5/85	Law Library	Form	5x5	25	
2/5/85	Robert L. Powell	Forma Pauper	2x2	4	
2/5/85	Gary Teague	1983	5x5	25	
2/5/85	Moses Horne	Appeal & Certif.	8x4	32	
2/5/85	Ezekiel Patterson	Exhibits	1x50	53	
2/5/85	Law Library	Form	1x19	19	343102
2/6/85	Law Library	Activity Log	1x1	1	
2/6/85	Chaplain	Form	2x3	6	
2/6/85	Chaplain	Form	4x2	8	
2/6/85	Josh Matthews	1983	13x4	52	
2/6/85	Law Library	Schedule	1x8	8	
2/17/85	Law Library	Form	1x1	1	
2/7/85	Morris Monk	Motion Dism.	6x3	18	
2/7/85	James Blackman	Habeas-Corpus	5x3	15	
2/7/85	Chaplain	Bulletins	1x89	89	
2/7/85	Edward Rourke	Form	1x1	1	

**PHOTOCOPY LOG
LAW LIBRARY
CENTRAL PRISON**

DATE	INMATE'S NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL MADE	COUNT ON MACHINE
2/8/85	Joseph C. Taylor	Divorce	7x3	21	
2/8/85	Law Library	Form	5x1	5	
2/8/85	Roy Bruce	Motion	5x3	15	
2/8/85	Edward Rourke	Motion	7x5	35	343422
2/11/85	Law Library	Sched.	1x10	10	
2/11/85	Chaplain	Form	1x8	8	
2/11/85	Mark Brower	Commutation	30x2	60	
2/11/85	Chaplain	Form	1x10	10	
2/11/85	Law Library	Schedule	1x11	11	343519
2/12/85	Quinton I. Brown	Habeas Corpus	12x4	44	
2/12/85	Joseph Pully	1983	6x4	24	
2/12/85	Bennie Linder	Affidavit	4x4	16	
2/12/85	Robert L. Kirby	1983 Exhibit	33x2	66	
2/12/85	Frederick W. Thomas	Habeas Corpus	19x4	76	
2/12/85	James Norwood	Motion Jail Time	4x3	12	
2/12/85	Law Library	Sched. Forms	17x1	17	
2/12/85	Chaplain	Form	1x1	1	
2/12/85	Law Library	Forms	1x20	20	
2/12/85	Law Library	Tort clm-Form	2x20	40	
2/12/85	Robert Taylor	Motion	1x7	7	
2/12/85	Law Library	Schedule	1x9	9	
2/13/85	David A. Moore	Motions	52x5	260	
2/13/85	Law Library	Schedule	1x11	11	
2/13/85	Zane Perkins	Motions Appr. R.	5x5	25	344143
2/13/85	Chaplain	Bulletin	1x78	78	344221
2/14/85	Josh Matthews	Jail Time Cr.	4x2	8	
2/14/85	James Price	Pwr. of Attorney	2x4	8	
2/14/85	Rodney G. Lovell	Motion & Exhibit	5x3	15	
2/14/85	Delane Lee	Consent Frms.	2x2	4	
2/14/85	Law Library	Form	8x5	40	
2/14/85	Law Library	Form	1x5	5	
2/14/85	Law Library	Case	1x15	15	

**PHOTOCOPY LOG
LAW LIBRARY
CENTRAL PRISON**

DATE	INMATE'S NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL MADE	COUNT ON MACHINE
2/15/85	James Norwood	Motions	4x2	8	
2/15/85	Law Library	Schedule	1x11	11	
2/15/85	Eddie Crawford	Divorce	7x3	21	344358
2/15/85	John H. Burch	1983	5x5	25	
2/15/85	Robert L. Kirby	To Judge	13x2	26	
2/15/85	Donald A. Freeman	Memorandum	28x2	56	
2/15/85	Robert Thacker	Appeal Notice	1x3	3	
2/15/85	John E. Brown	Motion Ap. Rel.	23x3	69	
2/15/85	Ronnie L. Moore	1983	15x5	75	
2/15/85	Law Library	Schedule	1x15	15	344622
2/18/85	Law Library	App. Rel. Form	3x5	15	
2/18/85	Bobby Tripplett	Exhibits	9x2	18	
2/18/85	Richard Johnson	Affidavit	1x3	3	
2/18/85	Robert Thacker	1983	7x6	42	
2/18/85	Chaplain	Form	3x3	9	
2/19/85	Law Library	Form	3x2	6	
2/19/85	Law Library	Form	2x2	4	
2/19/85	Law Library	Form	1x1	1	
2/19/85	Ronnie Gibbons	Motions	5x3	15	
2/19/85	Law Library	Appt. Forms	1x10	10	
2/19/85	Law Library	Schedule	1x7	7	
2/20/85	Chaplain	Bulletins	1x99	99	
2/20/85	Edward Roark	Motion	3x3	9	344862
2/20/85	John Lockamy	Exhibits	6x7	42	
2/20/85	School	Forms	1x35	35	
2/20/85	Law Library	Schedule	1x8	8	344948
2/21/85	Stephen D. Harris	Exhibits	7x2	14	
2/21/85	Michael Brooks	Motion & Exhibits	29x4	116	
2/21/85	O'Dell Boyd	Petition	2x3	6	
2/21/85	Frederic Knithomas	Traverse	44x4	176	
2/21/85	Law Library	Schedule	1x10	10	
2/22/85	Chaplain	Form	1x8	8	345278
2/22/85	Law Library	Form	1x76	76	

**PHOTOCOPY LOG
LAW LIBRARY
CENTRAL PRISON**

DATE	INMATE'S NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL MADE	COUNT ON MACHINE
2/26/85	Law Library	Sch.	1x11	11	
2/26/85	Mark Fletcher	Pow. of Atty.	1x5	5	
2/26/85	Law Library	Monthly Report	1x20	20	
2/26/85	Law Library	Mon. Reports	20x1	20	
2/26/85	William H. Carroll	Appeal	32x1	32	
2/26/85	Law Library	Form	3x10	30	
2/26/85	Chaplain	Form	1x1	1	
2/27/85	Law Library	Schedule	1x10	10	
2/27/85	Wade T. Remington	Motion	2x4	8	345434
2/27/85	Chaplain	Form	1x3	3	
2/27/85	Bennie Linder	Motions	8x9	72	
2/27/85	Phillip Robbins	Mot. Ap. Rel.	62x4	248	
2/27/85	Robert L. Kirby	Exhibit	7x2	14	
2/27/85	Donald A. Freeman	Exhibits	21x3	63	
2/27/85	John Ferdinando	Motion	7x3	21	
2/27/85	Law Library	Schedule	1x8	8	
2/28/85	Arnold Paige	Affidavit	3x4	12	*
2/28/85	Clarence Walker	1983	5x16	50	
2/28/85	Captain	Legal Affrs.	6x1	6	
2/28/85	Law Library	Schedule	1x8	8	
2/28/85	Roger Fleming	Motion	1x3	3	
2/28/85	Law Library	Form	4x4	16	
2/28/85	Law Library	Form	1x9	9	Copier Serv.
2/28/85	Quintin I. Brown	Instrctns.	2x5	10	
2/28/85	Quintin Brown	Industrial Comp.	6x5	30	
2/28/85	Quintin Brown	Mol. Default	11x11	121	
2/28/85	Donald A. Freeman	Supp. Motion	2x8	16	
2/28/85	Donald A. Freeman	Order Etc.	15x1	15	
2/28/85	Law Library	Form	1x9	9	
2/28/85	Chaplain	Bulletin	2x100	200	
2/28/85	Quintin Brown	Errors	1x11	11	
3/1/85	Law Library	Form	1x16	16	
3/1/85	Stephen D. Harris	1983	16x12	192	
3/1/85	Bennie L. Linder	Civil Complaint	4x8	32	

**PHOTOCOPY LOG
LAW LIBRARY
CENTRAL PRISON**

DATE	INMATE'S NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL MADE	COUNT ON MACHINE
3/1/85	Law Library	Schedule	1x10	10	
3/1/85	Law Library	Form	1x2	2	
3/1/85	Michael Brooks	Certiorari	10x4	40	
3/1/85	John Rawlins	Traverse	3x4	12	346687
3/1/85	Donald Freeman	Lgl. Ltrs.	2x3	6	
3/1/85	Law Library	Schedule	1x12	12	
3/4/85	James C. Skinner	Motion etc.	9x3	27	
3/4/85	Stephen D. Harris	Pg. 11 of claim	1x12	12	
3/4/85	William H. Carroll	Record of Appeal	220x1	220	
3/4/85	Chaplain	Form	2x3	6	
3/5/84	Law Library	Schedule	1x8	8	
3/6/85	Robert Kirby	Form	1x2	2	
3/6/85	Law Library	Form	1x1	1	
3/6/85	Bienvenido Piaz	Affidavit	4x3	12	
3/6/85	Edward Roark	Affidavits	6x4	24	
3/6/85	Alphonso Alston	1983	4x4	16	
3/6/85	Robert L. Kirby	Affidavit	1x4	4	
3/6/85	Robert L. Kirby	1983—Exhibits	44x5	220	
3/6/85	Robert Thacker	Inf. Brief	5x4	20	
3/6/85	Donald A. Freeman	Ph. answer	8x4	32	
3/6/85	Law Library	Schedule	1x11	11	347092
3/7/85	Josh Matthews	Forma Pauperis	6x3	18	
		Errors	1x5	5	
3/7/85	Chaplain	Bulletin	1x72	72	
3/7/85	Law Library	Schedule	1x8	8	
3/8/85	Law Library	Form	1x1	1	347450
3/8/85	Jimmy Green	Trial Transcript.	2x3	6	
3/8/85	David A. Moore	Cert. of Mailing	4x5	20	
3/8/85	Johnny L. Spruill	Tort Claim	1x4	4	
3/8/85	Dennis K. Wood	Exhibit	5x4	20	
	Legal Affairs	Form	4x48	192	
	Legal Affairs	Form	1x49	49	
3/18/85	Law Library	Schedule	1x11	11	
	Legal Affairs	Test	6x25	150	
	Legal Affairs	Workshop	1x77	77	

**PHOTOCOPY LOG
LAW LIBRARY
CENTRAL PRISON**

A-498

DATE	INMATE'S NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL MADE	COUNT ON MACHINE
3/18/85	Donald Freeman	Commentary	3x2	6	
3/18/85	Chaplain	Tele. Log	2x3	6	
3/18/85	Chaplain	Form	1x40	40	
3/18/85	Walter Goodson	Motion Ap. Ret.	42x3	126	
3/18/85	Lester L. Brown	Motion	4x4	16	
3/18/85	Law Library	Form	1x2	2	
3/18/85	Law Library	Schedule	1x11	11	348144
3/19/85	Master Sht. Changed				348158
	Errors		1x9	9	*
3/19/85	Law Library	Forms Sch.	1x25	25	
3/19/85	Law Library	Appn't Forms	1x37	37	
3/19/85	Chaplain Pike	Form	1x2	2	
3/19/85	Law Library	Schedule	1x9	9	
	Chaplain	Bulletins	1x25	25	
3/20/85	Law Library	Schedule	1x13	13	348231
3/21/85	Quintin Brown	Ind. St'm'ts.	2x3	6	
3/21/85	Quintin Brown	Ind. Com. Ele.	2x16	32	
3/21/85	Quintin Brown	Sup. Ct. etc.	8x5	40	
3/21/85	Gary Teague	1983	5x7	35	
3/21/85	Ronald Hammonds	Exhibits	1x18	18	
3/21/85	Kenneth Hammonds	Exhibits	3x8	24	
3/21/85	Quintin B. (Error)	Ind. Com. etc.	1x32	32	
3/21/85	Robert Thacker	Dist. Ct. For. P.	4x3	12	
3/21/85	Jesse Cauthen	Pet. for Review	3x4	12	
3/22/85	Law Library	Form	2x17	34	
3/22/85	Quinton Brown	Motion	1x53	53	
3/22/85	Stephen Harris	1983	16x6	96	
3/22/85	Chaplain	Bulletin	2x75	150	348811

**PHOTOCOPY LOG
LAW LIBRARY
CENTRAL PRISON**

A-499

DATE	INMATE'S NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL MADE	COUNT ON MACHINE
3/25/85	Chaplain Pike	Forms		74	Mast. Chng.
3/25/85	Law Library	Mont. Rprts.	42x1	42	
3/25/85	Quintin Brown	Exhibit	1x26	26	
3/26/85	Chaplain Pike	Form	1x10	10	
3/26/85	Chaplain	Form	1x10	10	
3/26/85	Law Library	Sched.	1x10	10	
3/26/85	Quintin Brown	Exhibit	1x48	48	
3/26/85	Jimmy Griffin	Tri. Trms. Motion	3x3	9	
3/26/85	Law Library	Schedule	1x7	7	
3/26/85	William C. Brooks	Spdy. Trial	2x3	6	
3/27/85	Chaplain	Form	2x3	6	
3/27/85	Walter Goodson	N.C. Bar Stmt.	2x3	6	
3/27/85	Rodney A. Everts	Motion	5x2	10	
3/27/85	Law Library	Schedule	1x9	9	349102
3/28/85	Chaplain	Form	1x21	21	
3/28/85	Chaplain	Bulletin	1x100	100	
3/28/85	Bennie L. Linder	Habeas Corpus	4x5	20	
3/28/85	Bennie L. Linder	Mot. of Appeal	12x3	36	
3/28/85	Quintin I. Brown	Industrial Comm.	2x2	4	
3/28/85	Quintin I. Brown	Affidavits etc.	74x2	148	
3/28/85	James H. Horner	Request Exchang.	7x3	21	
3/28/85	Chaplain	Form	1x12	12	
3/28/85	Chaplain Pike	Form	1x25	25	
3/28/85	Laundry	Form	1x24	24	
3/28/85	Chaplain Pike	Exhibits	1x102	102	
3/28/85	Law Library	Sched.	1x12	12	
3/29/85	Quintin Brown	Exhibits	2x6	12	
3/29/85	Law Library	Schedule	1x14	14	
3/29/85	David A. Moore	Motion	5x3	15	346475
3/29/85	Stephen Harris	1983	6x3	18	
3/29/85	Nathaniel Torrain	Mot. Discor.	3x3	9	
3/29/85	Ramond L. Bowling	Tort. Claim	2x2	4	
3/29/85	Thomas Clark	Trn. Pl.	1x11	11	
4/1/85	Law Library	Form	1x2	2	349694

**PHOTOCOPY LOG
LAW LIBRARY
CENTRAL PRISON**

DATE	INMATE'S NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL MADE	COUNT ON MACHINE
4/1/85	Law Library	Form	1x2	2	
4/1/85	Walter Goodson	Exhibit	3x51	153	
4/1/85	Law Library	Form	1x1	1	
4/1/85	Chaplain	Form	1x12	12	
4/1/85	Stephen Harris	Exh.	3x4	12	
4/1/85	James C. Skinner	Not. of Appeal	3x4	12	
4/1/85	Law Library	Sched. Log	1x9	9	
4/1/85	Chaplain	Form	1x28	28	
4/2/85	Shipped to Eastern				
4/2/85	Law Library	Form	1x2	2	
4/2/85	Jimmy Wheeler	1983	8x5	40	
4/2/85	Dennis Wood	Affidavits	3x4	12	
4/2/85	Eddie C. Jones	Ind. Tort Clm.	5x4	20	
4/2/85	Law Library	Schedule	1x11	11	350013
4/3/85	Law Library	Schedule	1x10	10	
4/3/85	Stephen Harris	Mot. Vacate	17x4	68	
4/3/85	Herencia, Julio	Response	9x3	27	
4/3/85	Lester L. Brown	Habeas Corpus	8x4	32	
4/3/85	Paul Woodruff	Motion	11x3	33	350179
4/4/85	Dennis K. Wood	Cert. 4th Cir. Prob. Ca.	22x5	110	
4/4/85	Len Mosley	Hab. Corp. State	5x4	20	
4/4/85	Roy Penland	1983	5x8	40	
4/4/85	Clinton Kirkley	Form	1x3	3	
4/4/85	Chaplain	Bulletin	3x100	300	
4/4/85	Law Library	Form	1x11	11	350662
4/5/85	William S. Albert	Notice App.	1x3	3	
4/5/85	Jimmy Covington	Affidavit	1x3	3	
4/5/85	Law Library	Schedule	1x10	10	
4/5/85	Joseph C. Taylor	1983	8x4	32	350715
4/9/85	Chaplain	Form	2x36	72	350787
4/9/85	James Price	Motion/Exhibits	10x3	30	
4/9/85	Law Library	Sched. Log	1x10	10	
4/9/85	Donald A. Freeman	Supp. Motion	7x3	21	
4/9/85	Richard Johnson	Divorce	7x3	21	
4/9/85	Donald Kinch	Divorce	7x1	7	

PHOTOCOPY LOG
LAW LIBRARY
CENTRAL PRISON

DATE	INMATE'S NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL MADE	COUNT ON MACHINE
4/9/85	Chaplain	Form	1x4	4	
4/9/85	Chaplain	Form	2x3	6	
4/9/85	Chaplain	Form	1x10	10	
4/9/85	Chaplain	Form	1x6	6	
4/9/85	Legal Affairs	1983	14x1	14	
4/10/85	Law Library	Forms	1x7	7	
4/10/85	Law Library	Form	1x10	10	
4/10/85	Chaplain	Bulletin	1x100	100	
4/10/85	Chaplain	Form	1x30	30	
4/11/85	Robert L. Kirby	Not. App. Sup. Ct.	60x1	60	
4/11/85	Jimmy Griffin	Motion	3x3	9	
4/11/85	Chaplain	Form	2x20	40	
4/11/85	Legal Affairs	Form	1x20	20	
4/11/85	Chaplain	Form	1x2	2	
4/11/85	Robert Price	Comm. App. Appl.	16x3	48	
4/11/85	Walter Goodson	Civil Complaint	4x3	12	
4/11/85	Benny Diaz	St. Hab. Corp.	3x4	12	
4/11/85	Law Library	Schedule	1x15	15	
4/11/85	Law Library	Sched. Forms	1x25	25	
	Errors occurred	4/11/85	1x7	7	
4/12/85	Eddie C. Jones	Ind. Tort	5x4	20	
4/12/85	Robert Washington	6			
4/12/85	Ralph Rankin	Lgl. Letter	1x2	2	
4/12/85	Law Library	Schedule	1x8	8	351343
4/15/85	Chaplain	Form	1x3	3	
4/15/85	Chaplain	Form	10x5	5	
4/15/85	Gary Rice	Pet. Hearing, etc.	12x3	36	
4/15/85	Jake B. Evans	Appt. of Counsel	6x3	18	
4/15/85	Quintin Brown	Motions	9x5	45	
4/15/85	Law Library	Form	1x11	11	
4/15/85	Robert Washington	1983	6x8	48	
4/15/85	Law Library	Schedule	1x8	8	
4/15/85	Stephen D. Harris	1983	28x5	140	
4/15/85	Law Library	Form	1x50	50	351707

**PHOTOCOPY LOG
LAW LIBRARY
CENTRAL PRISON**

DATE	INMATE'S NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL MADE	COUNT ON MACHINE
4/16/85	Benny Diaz	Memorandum	2x3	6	
4/17/85	Chaplain	Form	1x15	15	
4/17/85	Law Library	Schedule	1x13	13	
4/18/85	Steven L. Douglas	Sp. Tr. Mtn.	3x3	9	
4/19/85	James C. Skinner	Informal Brief	4x31	124	
4/19/85	James E. Price	Motion Vacate	4x48	152	
4/19/85	James Horner	Fed. Hab. Corp.	78x4	312	
4/22/85	Law Library	Schedule	1x11	11	
4/22/85	Law Library	Activity Log	1x1	1	
4/22/85	Legal Affairs	1983	1x4	4	352440
4/22/85	R. Shank	Cnsnt.	1x2	2	
4/22/85	Benny Diaz	St. Hab. Corp.	4x1	4	
4/22/85	Robert L. Kirby	U.S. Sup. Ct. etc.	61x1	61	
4/22/85	Dwight A. Hunter	Hab. Corpus	16x4	64	
4/22/85	Chaplain	Bulletin	199x1	199	352684*
4/22/85	Law Library	Form	1x20	20	
4/22/85	Law Library	Schedule	1x10	10	
4/23/85	Law Library	Activity Log	1x3	3	
4/23/85	James Peck	Motion	6x3	18	
4/23/85	John Brown	Certiorari	6x3	18	
4/23/85	Lieutenant	G.S.	2x4	8	
4/23/85	Chaplain	Form	2x3	6	
4/23/85	Gym	Form	2x5	10	
4/24/85	Law Library	Sched.	1x2	2	
4/24/85	Chaplain	Form	1x100	100	
4/24/85	Michael Campbell	Certiorari	41x3	123	
4/24/85	Richard Johnson	To: N.C. St. Bar	2x1	2	
4/24/85	Robert L. Kirby	E.D.N.C.	9x5	45	
4/24/85	Law Library	Schedule	1x11	11	
4/24/85	Law Library	Form	1x21	21	

**PHOTOCOPY LOG
LAW LIBRARY
CENTRAL PRISON**

DATE	INMATE'S NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL MADE	COUNT ON MACHINE
4/26/85	Billy W. Blackburn	Divorce	7x3	21	
4/26/85	Stephen D. Harris	1983	19x5	95	
4/26/85	James Redmond	1983	9x3	27	
4/26/85	Jeffrey D. Goodman	Spdy. Tr. Motion	2x3	6	
4/26/85	Law Library	Memo	1x3	3	
4/26/85	Legal Affairs	Form	1x5	5	
4/26/85	Law Library	Activity Log	1x1	1	
4/26/85	Law Library	Schedule	1x9	9	
4/26/85	Law Library	Activity Log	1x1	1	
4/26/85	Earl T. Ragle	1983	4x9	36	
4/26/85	Law Library	Schedule	1x9	9	353338
4/29/85	Law Library	Activity Log	1x1	1	
4/29/85	Law Library	Tort Forms	2x20	40	
4/29/85	Law Library	DC-223	1x1	1	
4/29/85	John Brown	Motion	35x3	105	
		Errors	1x9	9	
4/29/85	Chaplain	Bulletins	2x100	200	
		Errors	1x3	3	
4/29/85	Law Library	Schedule	1x12	12	
4/30/85	Law Library	Sign in Form	1x20	20	
4/30/85	Law Library	Activity Log	1x1	1	
4/30/85	Master Control	UCC	1x1	1	
4/30/85	Richard Johnson	Cstdy. Rgts. Mtn..	1x4	4	
4/30/85	Len J. Mosley	St. Hab. Corpus	6x3	18	
4/30/85	James Letterlough	Mtn. App. Ref.	38x4	142	
		Errors	1x6	6	
4/30/85	Chaplain	Form	1x20	20	
4/30/85	Law Library	Schedule	1x10	10	
5/1/85	Law Library	Schedule	1x11	11	353951
5/2/85	Law Library	Activity Log	1x1	1	
5/2/85	Robert Kirby	Rev. by Sup. Ct.	17x2	34	
5/2/85	Johnny Brown	In.F.P. & Cert.	3x4	12	
5/2/85	Frederick W. Thomas	Motion	4x3	12	
5/2/85	Law Library	Schedule	1x12	12	

**PHOTOCOPY LOG
LAW LIBRARY
CENTRAL PRISON**

A-504

DATE	INMATE'S NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL MADE	COUNT ON MACHINE
5/2/85	Robert Castleberry	Exhibits	29x1	29	
5/2/85	Mr. Wallace	Form	1x20	20	
5/2/85	Chaplain	Tele. Log	1x3	3	
5/2/85	Gym	Memo	1x5	5	
5/3/85	Michael Brooks	Guardianship	1x2	2	
5/3/85	Law Library	Schedule	1x12	12	354089
5/6/85	Gym	Form	1x10	10	
5/6/85	Gym	Form	2x3	6	
5/6/85	Earl T. Ragel	Motion	3x4	12	
5/6/85	Law Library	Schedule	1x12	12	
5/7/85	Law Library	Activity Log	1x1	1	
5/7/85	Dauton Worthington	Detainer	3x3	9	
5/7/85	Chaplain	Ltr.	4x3	12	
5/7/85	William C. Brooks	Speedy Trial	2x5	10	
5/7/85	Visitation	Form	1x10	10	
5/7/85	Chaplain	Forms	1x51	51	354173
5/7/85	Law Library	St. Gr. NC. Bar	1x20	20	
5/7/85	Law Library	Motion Appropriate Relief	5x20	100	354293
5/7/85	Law Library	Schedule	1x9	9	354302
5/8/85	Law Library	Activity Log	1x1	1	
5/8/85	Chaplain	Bulletin	2x99	198	
5/8/85	Chaplain	Form	1x4	4	
5/8/85	Randy Shank	Form	2x4	8	
5/8/85	Stephen D. Harris	Not. of Appeal	6x4	24	
5/8/85	Law Library	Schedule	1x11	11	
5/8/85	Law Library	Activity log	1x1	1	
5/9/85	Quintin Brown	Pet.	3x5	15	
5/9/85	Michael T. Bean	1983	5x7	35	
5/9/85	Johnny Payseur	Motion	9x4	38	354630
5/9/85	Benvenido Diez	Motion	6x3	18	
5/9/85	Steven B. Allred	Approp. Relief	11x3	33	
5/9/85	Steve B. Allred	1983	64x3	192	
5/9/85	Larry B. Cooper	1983	6x4	24	
5/9/85	Dennis K. Wood	Inf. Brief	61x5	305	

**PHOTOCOPY LOG
LAW LIBRARY
CENTRAL PRISON**

DATE	INMATE'S NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL MADE	COUNT ON MACHINE
5/9/85	Law Library	Schedule	1x10	10	
5/10/85	Law Library	Form	2x20	40	
5/10/85	Law Library	Activity Log	1x1	1	
5/10/85	Law Library	Scheduled	1x13	13	
5/10/85	Robert Kirby	1983	1x12	12	
5/10/85	Library	Form	1x100	100	
5/10/85	Thomas Frederick	F&S Trial	3x3	9	
5/10/85	Richard Johnson	To: N.C. Bar	12x3	36	
5/10/85	Johnny Anderson	Forma Paup	1x4	4	
5/10/85	Robert J. Castleberry	Habeas Corpus	23x3	69	
5/13/85	Law Library	Activity Log	1x1	1	
5/13/85	Master Control	Form	4x15	60	
5/13/85	Chaplain	Form	1x11	11	
5/13/85	James C. Skinner	Ex. Parte Motion	9x6	54	
5/13/85	Robert Castleberry	Certiorari	3x3	9	
5/13/85	Donald Kinch	Form	1x5	5	
5/13/85	Law Library	Schedule	1x12	12	
5/14/85	Law Library	G.S. 14-39	1x2	2	
5/14/85	Law Library	Activity Log	1x1	1	
5/14/85	Chaplain	Form	41x2	82	355740 Correct to Date
5/14/85	Law Library	Right to Sue as Pauper	1x15	15	
5/14/85	Law Library	Daily Log Form	1x10	10	
5/14/85	Law Library	Parole Commission Letter	1x2	2	
5/14/85	James B. Davis, Jr.	1983	17x6	102	
5/14/85	John Rawlings	Exhibits	1x27	27	
5/14/85	Walter S. Goodson	Lst. W. & Tstm.	4x5	20	
5/14/85	Walter S. Goodson	Civil Complnt. Gston.	9x3	27	
5/14/85	N.C. G.S.	Supt. W.	1x23	23	
5/14/85	N.C. G.S.	Supt. W.	1x12	12	
5/14/85	Law Library	Schedule	1x9	9	
5/14/85	Legal Affairs	1983	2x5	10	
5/15/85	Law Library	Activity Log	1x1	1	
5/15/85	Gym	Form	1x20	20	
5/15/85	Gym	Form	2x5	10	

**PHOTOCOPY LOG
LAW LIBRARY
CENTRAL PRISON**

DATE	INMATE'S NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL MADE	COUNT ON MACHINE
5/15/85	Law Library	Schedule	1x11	11	
5/15/85	Law Library	Legal Affrs	1x22	22	
5/15/85	Gym	Form	2x5	10	
5/16/85	Law Library	Activity Log	1x1	1	
	Dennis Wood	Exhibits	1x4	4	
	Vernon Mauldin	Detainer Motion	3x15	45	
	Steven Douglas	Speedy Trial Motion	6x2	12	
	Connie Raye	1983	6x4	24	
	Pinkney Mitchels	Complaint	3x5	15	
	Law Library	Form	1x1	1	
	Quintin Brown	Motion & Exhibits	6x9	54	
	Freddie Thompson	Habeas Corpus	4x19	16	
	Chaplain	Form	1x8	8	
	James Davis Jr.	1983	17x4	68	
	Legal Affair	Stats	1x90	90	
	Frank R. Pryor	Motion	5x3	15	
	Chaplain	Form	1x5	5	
5/17/85	Law Library	Activity	1x1	1	
	Chaplain	Bulletins	1x99	99	
	Law Library	Schedule	1x8	8	
	Bobby Hubert	App. Rel	9x4	36	
	Bobby Hubert	Exh. App. Rel	1x5	5	
	James Skinner	Mot. to withdraw	12x4	48	
	Quinton Brown	Verification	1x5	5	
					356699
5/20/85	Chaplain	Phone Log	1x3	3	
5/20/85	James Davis	Forma Pauperis	2x10	20	356722
	Law Library	Forms	1x4	4	
	Law Library	Ltrr	1x36	36	
	Gym	Form	2x7	14	
	Chaplain	Form Ltrr	1x34	34	
	Law Library	Activity Log	1x2	2	
	Law Library	Schedule	1x5	5	
5/21/85	Law Library	Schedule	1x4	4	356821
	Law Library	Schedule Form	1x60	60	

PHOTOCOPY LOG
LAW LIBRARY
CENTRAL PRISON

A-507

[illegible]

**PHOTOCOPY LOG
LAW LIBRARY
CENTRAL PRISON**

BLUE—Lockup

RED—M. Heath

BLACK—Population

DATE	INMATE'S NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL MADE	COUNT ON MACHINE
5/28/85	Legal Affairs	New P. Article	3x4	12	
	Chaplain	Bulletin	1x90	90	
	Marvin Scott	Motion	4x3	12	
	Law Library	Monthly Report	23x1	23	
	Vernon Maulding	1983	4x7	28	
	Sherman Young	Brief	3x3	9	
	Law Library	Case	2x4	8	
	Law Library	Schedule	1x11	11	
	Law Library	Form	2x10	20	
	Chaplain	Form Ltr.	1x2	2	
	Chaplain	K&L Phone List	1x4	4	
	Chaplain	Pop. Phone List	2x3	6	
	Chaplain	Islam Cert.	1x5	5	
	James Horner	Error	1x5	5	
	James Horner	Parental Rights	10x3	30	
	James Price	Power of Atty.	3x3	9	
	Gary Rice	Certiorari	5x4	20	
	J.E. Kuplen	1983 E.D.U.C.	17x12	204	
	Nicholas Bolinger	Small Claim	4x3	12	
	Law Library	Form Ltr.	1x1	1	
	Stephen Harris	Small Claim	6x4	24	
	Law Library	Schedule	1x11	11	
	Chaplain	Bulletins	2x100	200	
	Law Library	Photo copy man.	1x9	9	358414
5/29/85	Edward Roark	1983	1x2	2	
	Chaplain	Form	1x20	20	
	Herencia, Julio	Affidavit	1x2	2	
	Freddie Thompson	Habeas Corpus	2x5	10	358448
	Ralph L. Dull	Divorce	7x3	21	
	James G. Williams	Speedy Trial	3x3	9	358481
	David Hall	Motion	13x4	52	358537
	David Horne	Exhibits	5	10	
	Law Library	Schedule	1x11	11	
	Law Library	Form	1x2	2	

**PHOTOCOPY LOG
LAW LIBRARY
CENTRAL PRISON**

A-509

DATE	INMATE'S NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL MADE	COUNT ON MACHINE
5-30-85	Stephen Harris	1983	72x4+4	292	
	Chaplain	Form	1x11	11	358852*
	Law Library	Litr.	1x1	1	
	Chaplain	Report	6x7	42	
	Log Sheet	Log	1	1	
5-31-85	Francis V. Fearing	Petition	30x3	95	359024
	Law Library	Schedule	1x11	11	
	Law Library	Form	1x1	1	
	Law Library	Activity Log	1x1	1	
	Law Library	Schedule	1x11	11	
	Dolphus Gentry	Speedy Trial	3x2	6	
	Terry Williams	Speedy Trial	3x3	9	
	1st Shift	Canteen List	2x5	10	359082
	Chaplain	Litr.	2x45	90	
	Chaplain	Tel. Log	1x3	3	
6-3-85	Winfred Hunt	Brief in Support of Motion App.	9x3	27	
	Connie Raye	1983	6x3	18	
	Connie Raye	1983	6x6	36	
	John Lockamy	Motion for Consol	4x3	12	
	James Skinner	Traverse	7x5	35	
	Larry Johnson	Jail Time Credit.	11x4	44	
	Pinkney Mitchell	1983	7x6	42	
	Quinton Brown	1983	21x4	84	
	Quinton Brown	1983 Error	1x6	6	
	Quinton Brown	1983 Error	1x12	12	
	Custody	Memorandum	1x1	1	
	Marlin Scott	Motion Computation	14x3	42	
	Ronald Rader	Motion to Dismiss	5x3	15	
	Law Library	Schedule	1x12	12	
	Gym	Scheduled	1x6	6	
	Larry Darnell Johnson	Form	2x4	8	
	Robert Taylor	App. Rev. F	17x3	51	
	Larry Donell Johnson	Tort	2x2	4	
	Chaplain	Form	1x10	10	
	Law Library	Activity Log	1x1	1	

PHOTOCOPY LOG
LAW LIBRARY
CENTRAL PRISON

A-510

[illegible]

EXHIBIT TTTT

PHOTOCOPY LOG LAW LIBRARY

(Unit) Franklin Co.

Jan 1st.-31st 85

DATE	INMATES NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL PHOTOS MADE	CHARGE FOR COPIES	
					FREE	AMOUNT COLLECTED
1-2-85	Richard Shane	Exhibits	2	2	✓	None
1-3-85	Thurmon Debro	Judgement & Commitment Papers	5	5	✓	None
1-4-85	Eugene Willis	Exhibits	4	4	✓	None
1-4-85	Earl Wade	Exhibits	1	1	✓	None
1-8-85	Jerry Rose	Response to Court of Appeals	9	27	✓	None
1-10-85	Thurmon Debro	Motion for Appr. Relief.	6	18	✓	None
1-10-85	Clintes Person	Exhibits	4	12	✓	None
1-22-85	Manuel Williams	Judgement Commitment	5	10	✓	None
1-22-85	James Goode	Answer to Motion to Dismiss	11	11	✓	None
		Total		80		None

PHOTOCOPY LOG
LAW LIBRARY

(Unit) Franklin Co.

Feb 1st.-28th 85

DATE	INMATES NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL PHOTOS MADE	CHARGE FOR COPIES	
					FREE	AMOUNT COLLECTED
2-1-85	Clintres Person	Exhibits	7	7	✓	None
2-5-85	James W. Smith	Exhibits	18	18	✓	None
2-18-85	Tommie Williams	Motion for App—Relief	4	12	✓	None
2-19-85	Jessie Lee Taylor	Judgement and Commitment	5	5	✓	None
2-21-85	Rodney Alston	Exhibits	9	18	✓	None
		Total		60		

PHOTOCOPY LOG
LAW LIBRARY

(Unit) Franklin Co.

March 1st-31st 85
WORKSHEET

DATE	INMATES NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL PHOTOS MADE	CHARGE FOR COPIES	
					FREE	AMOUNT COLLECTED
3-6-85	James W. Smith	Exhibits	14	14	✓	None
3-19-85	Dwight Blount	Exhibits	11	11	✓	None
3-19-85	Reginald Neilson Jerry Giles	Letter Parole Office Ohio	3	3	✓	None
3-20-85	Wayne Waller	Letter of Termination of Probation	1	1	✓	None
3-20-85	Emanuel Williams	Judgement Commitment	1	3	✓	None
	Dwight Blount	1983—Exhibits	15	15	✓	None
3-20-85	James W. Smille	Traverse	60	60	✓	None
3-25-85	Franklin Wright	Letter to Parole Comm.	2	2	✓	None
3-26-85	Wallace Lester	Appeal & Exhibits	20	20	✓	None
		Total		139		

PHOTOCOPY LOG
LAW LIBRARY

FRANKLIN CO.

[illegible]

EXHIBIT VVVV

PHOTOCOPY LOG
LAW LIBRARY

HARNETT YOUTH CENTER

[illegible]

1985

PHOTOCOPY LOG
LAW LIBRARY

HARNETT YOUTH CENTER

[illegible]

1985

PHOTOCOPY LOG
LAW LIBRARY

HARNETT YOUTH CENTER

DATE	INMATE'S NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL PHOTOS MADE	CHARGE FOR COPIES	
					FREE	AMOUNT COLLECTED
11-20-84	Andre McLeod	Letter from Duke Univ.	1	2	✓	None
11-20-84	Andre McLeod	Autopsy Report	3	2	✓	None
12-18-84	Tony E Buckner	Magistrate Consent Form	1	2	✓	None
12-20-84	Anthony Morton	Letter from Division of Motor Vehicles N.C.	1	1	✓	None

EXHIBIT VVVV

PHOTOCOPY LOG
LAW LIBRARY

SOUTHERN CORRECTIONAL CENTER 3600

[illegible]

PHOTOCOPY LOG
LAW LIBRARY

SOUTHERN CORRECTIONAL CENTER 3600

A-519

DATE	INMATE'S NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL PHOTOS MADE	CHARGE FOR COPIES	
					FREE	AMOUNT COLLECTED
3-5-85	Jovan Watkins	Power of Attorney	1	1	1	None
3-6-85	Moses White	Exhibit	101	101	101	None
3-6-85	Chester Hunt	Exhibit	37	37	37	None
3-6-85	Moses Illegible	Exhibit	20	20	20	None
3-6-85	Eric Coleman	Exhibit	8	8	8	None
3-8-85	Billy Illegible	Exhibit	11	11	11	None
3-8-85	Elmer Buckley	Exhibit	6	6	6	None
3-8-85	Moses Illegible White	Exhibit	68	68	68	None
3-11-85	Arnold Connelly	Exhibit	17	17	17	None
3-11-85	Eddie Wilks	Exhibit	44	44	44	None
3-15-85	Jerry Lee Beeson	Exhibit	43	43	43	None
3-15-85	J. D. Whittle	Exhibit	45	45	45	None
3-15-85	David Ashford	Exhibit	23	23	23	None
3-18-85	Harold Illegible	Exhibit	2	2	2	None
3-18-85	William Illegible	Exhibit	16	16	16	None
3-22-85	Jerry Lee Beeson	Exhibit	46	46	46	None
3-25-85	Arnold Connelly	Exhibit	10	10	10	None
3-25-85	Illegible	Exhibit	384	384	384	None
3-25-85	Forest Tate	Exhibit	15	15	15	None
3-24-85	Stanley Durham	Exhibit	13	13	13	None
3-27-85	Dennis Taylor	Copies	14	14	14	None
3-27-85	Moses White	Exhibit	40	40	40	None
3-28-85	Freddy Jones	Exhibit	138	138	138	None
3-29-85	Billy Ponds	Copies	15	15	15	None
4-7-85	Bobby Whisenant	Exhibits	48	48	48	A-487

PHOTOCOPY LOG
LAW LIBRARY

SOUTHERN CORRECTIONAL CENTER 3600

DATE	INMATE'S NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL PHOTOS MADE	CHARGE FOR COPIES	
					FREE	AMOUNT COLLECTED
4-9-85	Freddie Taylor	Exhibits	18	18	18	None
4-10-85	Elwood Smith	Illegible	10	10	10	None
4-15-85	Illegible	Exhibits	7	7	7	None
Illegible	Illegible	Illegible	Illegible	Illegible	Illegible	None
4-22-85	Howard Headden	Exhibits	60	60	60	None
Illegible	Illegible	Illegible	10	10	10	None
Illegible	Illegible	Exhibits	12	12	12	None
	Vernell Illegible	Exhibits	20	20	20	None
	Illegible	Exhibits	5	5	5	None
	Lacy Pratt	Exhibits	255	255	255	None
5-30-85	Bobby Stephens	Exhibits	2	20	20	None
5-30-85	Otis Pridgen	Exhibits	18	18	18	None
Illegible	Illegible	Exhibits	24	24	24	None
5-30-85	Illegible	Exhibits	4	12	12	None
5-31-85	Fred Mabery	Exhibits	16	16	16	None
5-31-85	Jesse J. Jones	Exhibits	1	1	1	None
5-31-85	Roosevelt Illegible	Exhibits	7	7	7	None
5-31-85	Richard A. Horts	Exhibits	23	69	69	None
5-31-85	Larry Carr	Exhibits	7	28	28	None
6-7-85	Vonnie R. Illegible	Exhibits	17	47	47	None
6-7-85	Illegible	Exhibits	17	17	17	None
6-7-85	Morton Danby	Exhibits	12	35	35	None

EXHIBIT XXXX

PHOTOCOPYING TABULATION FOR MECKLENBURG II,
UNIT 4535

MONTH	1984		1985		
	FREE	INMATE'S EXPENSE	FREE	INMATE'S EXPENSE	
SEPTEMBER	44	53			
OCTOBER	2	109			
NOVEMBER	18	189			
DECEMBER	49	107			
JANUARY			15	232	
FEBRUARY			33	87	
MARCH			91	25	
APRIL			5	0	
MAY			86	0	AS OF
JUNE			17	0	6-5-85
TOTAL	113	458	247	344	

EXHIBIT YYYY

JAN. 1985
PHOTOCOPY LOG
LAW LIBRARY

Piedmont Correctional Center #3500

DATE	INMATE'S NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL PHOTOS MADE	CHARGE FOR COPIES	
					FREE	AMOUNT COLLECTED
1-2-85	Errol Lawla	Legal petit.	41	205	205	0
1-4-85	Robert Harris	Legal documents	4	4	4	0
1-4-85	Robert Wilhelm	Legal Trans.	103	103	103	0
1-4-85	William Brown	Legal document	21	21	21	0
1-7-85	Henry Terry	Legal documents	7	28	28	0
1-7-85	Steve Hurley	Legal document	2	2	2	0
1-7-85	William Brown	Legal forms	42	42	42	0
1-7-85	Errol Lawla	Legal Motions	136	366	366	0
1-8-85	Johnny Conrad	Legal form	2	2	2	0
1-8-85	Roland Watts	Legal form	5	20	20	0
1-9-85	Bobby Hubert	Legal Affid.	5	5	5	0
1-9-85	James Lindsay	Legal form	67	134	134	0
1-10-85	David Fulcher	Legal Attach	1	3	3	0
1-10-85	Johnny Conrad	Legal Attach	2	2	2	0
1-11-85	Jacob Smith	Legal form	8	24	24	0
1-11-85	Garfield Fewell	Legal Motion	28	28	28	0
1-14-85	Edward Davis	Legal form	1	2	2	0
1-14-85	Garfield Fewell	Legal Motion	13	39	39	0
1-14-85	Charles Stokes	Legal form	3	9	9	0
1-15-85	Ivery Sweezy	Legal form	44	132	132	0
1-16-85	Danny Metcalfe	Legal Motion	5	20	20	0
1-18-85	John Walker	Legal forms	7	21	21	0
1-18-85	Cecil Galloway	Legal form	4	4	4	0
1-18-85	Jerry Tomlinson	Legal Motion	7	21	21	0
1-18-85	Marion Cox	Legal Motion	3	6	6	0
1-21-85	Carlton Cheek	Legal form	8	32	32	0

**PHOTOCOPY LOG
LAW LIBRARY**

Piedmont Correctional Center #3500

DATE	INMATE'S NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL PHOTOS MADE	CHARGE FOR COPIES	
					FREE	AMOUNT COLLECTED
1-21-85	Lacy Smith	Legal Attach.	1	1	1	0
1-23-85	Garland Shaw	Legal Motion	16	144	144	0
1-24-85	William Logan	Legal form	12	12	12	0
1-25-85	Ronnie Jackson	Legal form	13	65	65	0
1-30-85	Melvin Pharr	Legal 1983 form	8	32	32	0

FEB. 1985
PHOTOCOPY LOG
LAW LIBRARY

Piedmont Correctional Center #3500

DATE	INMATE'S NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL PHOTOS MADE	CHARGE FOR COPIES	
					FREE	AMOUNT COLLECTED
2-1-85	Billy Jenkins	Legal form	8	32	32	0
2-4-85	Otis Aldridge	Legal Attach.	1	4	4	0
2-4-85	Bobby Hubert	Legal Motion	4	56	56	0
2-5-85	Mack Pace	Legal form	1	1	1	0
2-5-85	Tony Joines	Legal form	9	18	18	0
2-6-85	Mark Ledbetter	Legal form	9	36	36	0
2-7-85	William Crawford	Legal forms	8	32	32	0
2-11-85	Leroy Blair	Legal form	1	2	2	0
2-11-85	Marion Cox	Legal petit.	6	6	6	0
2-13-85	James Davis	Legal form	19	57	57	0
2-18-85	Leroy Blair	Legal form	1	2	2	0
2-18-85	Willie Samuel	Legal forms	2	4	4	0
2-18-85	Frederick Perry	Legal forms	2	4	4	0
2-18-85	Eugene Nelums	Legal Affid.	1	3	3	0
2-18-85	Mack Pace	Transcript	125	125	125	0
2-19-85	Tony Joines	Legal Attach.	10	20	20	0
2-19-85	Richard Ledford	Legal form	11	110	110	0
2-20-85	Robert Ervin	Legal letter	1	3	3	0
2-20-85	Errol Lawla	Legal documents	170	680	680	0
2-21-85	James Nelson	Legal form	3	9	9	0
2-22-85	Norris Coleman	Legal Attach.	1	2	2	0
2-22-85	George Smith	Legal form	7	26	26	0
2-22-85	Ivery Sweezy	Legal Petitions	14	56	56	0
2-22-85	Marion Cox	Legal document	7	7	7	0
2-25-85	Ralph Seagle	Legal Attach.	5	5	5	0
2-25-85	Ronnie Jackson A-492	Legal form	7	35	35	0

**PHOTOCOPY LOG
LAW LIBRARY**

PIEDMONT CORRECTIONAL CENTER #3500

DATE	INMATE'S NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL PHOTOS MADE	CHARGE FOR COPIES	
					FREE	AMOUNT COLLECTED
2-25-85	Gregory Fairbanks	Legal Motion	1	2	2	0
2-25-85	Wardell Johnson	Legal Motion	2	4	4	0
2-25-85	Larry Stiver	Legal Attach.	11	11	11	0
2-26-85	Billy Julian	Legal Attach.	1	2	2	0
2-27-85	Bobby Poplin	Legal Attach.	7	28	28	0
2-27-85	Bobby Hubert	Legal Petit.	20	60	60	0

MAR. 1985

PHOTOCOPY LOG
LAW LIBRARY

PIEDMONT CORRECTIONAL CENTER #3500

A-526

DATE	INMATE'S NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL PHOTOS MADE	CHARGE FOR COPIES	
					FREE	AMOUNT COLLECTED
3-1-85	Frank Shackelford	Legal Forms	2	8	8	0
3-4-85	James Penley	Legal Attach.	9	9	9	0
3-4-85	Ralph Seagle	Legal Attach.	1	2	2	0
3-4-85	Eric Owens	Legal Form	8	24	24	0
3-4-85	Kenneth Gardner	Legal document	1	2	2	0
3-5-85	Tony Cox	Legal Form	9	9	9	0
3-5-85	Tony Joines	Legal Attach.	19	19	19	0
3-6-85	Steve Simmons	Legal Form	4	12	12	0
3-7-85	Michael Tarrant	Legal Form	2	2	2	0
3-7-85	Frank Shackelford	Legal Form	1	3	3	0
3-7-85	Harold Corbin	Legal Form	2	4	4	0
3-7-85	Errol Lawla	Legal Motion	3	12	12	0
3-8-85	Ralph Seagle	Legal Attach.	2	4	4	0
3-8-85	James Segers	Legal Form	5	15	15	0
3-11-85	David Diehl	Legal Form	8	32	32	0
3-11-85	Louis Pittman	Legal Motion	2	8	8	0
3-11-85	Richard Doub	Legal Writ	15	60	60	0
3-12-85	Tommy McCombs	Legal Form	8	32	32	0
3-13-85	Geno Maddox	Legal Attach.	2	4	4	0
3-13-85	James Barber	Legal Form	1	3	3	0
3-13-85	Boyce Moneyham	Legal Attach.	1	2	2	0
3-13-85	Istivan Douglass	Legal Forms	2	6	6	0
3-13-85	Larry Flora	Legal Form	8	48	48	0
3-13-85	Edward Davis	Legal Form	4	12	12	0
3-14-85	Tony Joines	Legal Motion	4	12	12	0
3-15-85	Thomas Adams	Legal Form	2	4	4	0

PHOTOCOPY LOG
LAW LIBRARY

PIEDMONT CORRECTIONAL CENTER #3500

A-527

DATE	INMATE'S NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL PHOTOS MADE	CHARGE FOR COPIES	
					FREE	AMOUNT COLLECTED
3-15-85	Edwin Brown	Legal Forms	4	12	12	0
3-15-85	McKinley Moore	Legal Attach.	3	3	3	0
3-15-85	Errol Lawler	Legal Forms	3	15	15	0
3-15-85	Phillip Patterson	Legal Forms	7	9	9	0
3-19-85	Billy Julian	Legal Attach.	3	9	9	0
3-20-85	Dwight Wilson	Legal Form	9	27	27	0
3-20-85	Darrell Roberts	Legal Motion	28	168	168	0
3-21-85	James Davidson	Legal Form	8	24	24	0
3-22-85	Eddie Bridges	Legal Form	8	24	24	0
3-22-85	Herman Wingo	Legal Form	5	15	15	0
3-22-85	Frederick Perry	Legal Attach.	12	12	12	0
3-22-85	Edward Davis	Legal Form	6	24	24	0
3-22-85	Melvin Pharr	Legal Attach.	1	2	2	0
3-25-85	Howard Ward	Legal Attach.	1	4	4	0
3-25-85	Terry Baldwin	Legal Attach.	1	5	5	0
3-26-85	Tony Joines	Legal Form	6	24	24	0
3-26-85	James Nelson	Legal Affid.	3	9	9	0
3-27-85	Edward Bridges	Legal Attach.	7	35	35	0
3-27-85	Calvin Warren	Legal Form	9	27	27	0
3-28-85	Robert Collier	Legal Form	1	2	2	0

APRIL 1985

PHOTOCOPY LOG LAW LIBRARY

Piedmont Correctional Center #3500

A-528

DATE	INMATE'S NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL PHOTOS MADE	CHARGE FOR COPIES	
					FREE	AMOUNT COLLECTED
4-1-85	Jerry Hambrick	Motion & Attach	11	30	30	—
4-3-85	Howard Crump	Legal Form	7	35	35	—
4-3-85	Calvin Whitesides	Legal Attach.	11	11	11	—
4-3-85	Willie Lloyd	Legal Form	2	4	4	—
4-3-85	Glenn Hines	Legal Form	4	8	8	—
4-5-85	Billy Jenkins	Legal Motion	3	9	9	—
4-5-85	Willie Lloyd	Legal Form	1	2	2	—
4-5-85	Ronnie Jackson	Legal Form	2	6	6	—
4-5-85	Otto Seawood	Legal Form	2	2	2	—
4-9-85	Tommy McCombs	Legal Form	10	10	10	—
4-10-85	James Griffin	Legal Form	2	4	4	—
4-10-85	Richard Doub	Legal Form	6	18	18	—
4-10-85	Howard Shankle	Legal Forms	10	30	30	—
4-10-85	Keith Howell	Legal Motion	5	15	15	—
4-11-85	Michael Tarrant	Legal Motion	5	15	15	—
4-12-85	Rex Lewis	Legal Form	4	8	8	—
4-12-85	John Friday	Legal Form	9	27	27	—
4-12-85	Paul Fearnow	Legal Form	8	24	25	—
4-12-85	Phillip Patterson	Legal Form	2	4	4	—
4-12-85	Errol Lawla	Legal Form	5	20	20	—
4-15-85	Olin Stafford	Legal Form	2	4	4	—
4-15-85	Keith Barts	Legal form	4	12	12	—
4-16-85	Tony Joines	Legal Forms Attach.	11	41	41	—
4-16-85	Billy Julian	Legal Form	6	12	12	—
4-17-85	Randy Lee	Legal Form	3	12	12	—
4-17-85	Eddie Baker	Legal Form	11	34	34	—

**PHOTOCOPY LOG
LAW LIBRARY**

Piedmont Correctional Center #3500

A-529

DATE	INMATE'S NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL PHOTOS MADE	CHARGE FOR COPIES	
					FREE	AMOUNT COLLECTED
4-17-85	Michael Rubin	Legal form	4	8	8	—
4-18-85	David Sipple	Legal Affid.	1	4	4	—
4-19-85	William Panther	Legal forms	9	27	27	—
4-19-85	Harold Corbin	Legal forms	8	32	32	—
4-19-85	Marlin Scott	Legal form	3	6	6	—
4-22-85	William Slade	Legal form	20	80	80	—
4-22-85	James Nelson	Legal Motion	5	15	15	—
4-22-85	John Cummings	Legal form	1	3	3	—
4-22-85	Richard Dorsett	Legal forms	6	6	6	—
4-22-85	Roger Sutton	Legal forms	5	15	15	—
4-23-85	Nathan Miller	Legal forms	4	12	12	—
4-24-85	Richard Doub	Legal form	20	60	60	—
4-25-85	Gerald Foy	Legal form	2	4	4	—
4-25-85	Richard Ledford	Legal form	4	12	12	—
4-26-85	Otto Seawood	Legal form	3	6	6	—
4-26-85	Howard Ward	Legal Attach.	3	12	12	—
4-26-85	James Davidson	Legal form	2	8	8	—
4-26-85	Marlin Scott	Legal Attach.	4	4	4	—
4-29-85	Mack Pace	Legal form	10	50	50	—
4-29-85	Marlin Scott	Legal Attach.	1	24	24	—
4-29-85	John Dozier	Legal form	3	6	6	—
4-29-85	Willie Hardin	Legal form	2	2	2	—
4-29-85	Robin Ruffin	Legal form	1	1	1	—

EXHIBIT ZZZZ

April, 85
PHOTOCOPY LOG
LAW LIBRARY

Eastern Correctional Center #3400

DATE	INMATE'S NAME	ITEM COPIED	PAGES	PHOTOS MADE	COURT
4-1-85	Ronald Turgeon	Civil 1983	14	2	Fed
4-3-85	Ernest Martin	MFAR, Judgement	23	1	Fed Ct.
4-5-85	Thomas Fleming	Petition, Judgement, Order, Affidavit, Letters	162	2	Fed.
4-5-85	Leroy Doans	Exhibit of Grievance 410 by 1983	4	2	Fed.
4-5-85	Charles McRae	Portions of Transcript Affidavit	18	1	Fed.
4-5-85	Rozelle Ellis	ORDER, Judgement, Indictment, MFAR	26	1	Fed
4-5-85	Milton Joyner	Portions of Transcript ORDER	32	2	Fed
4-11-85	Leon Ange	Petition Cert. to State Supreme	8	2	State
4-11-85	Charles McRae	ORDER, Letter	2	1	Fed
4-12-85	George Parker	Motion to Dismiss, Affidavit	10	2	Fed
4-18-85	Jesse Ashford	Petition in Support of I.F.P.	18	2	Fed
4-18-85	Virgil Sanderson	ORDER	1	1	Fed
4-18-85	Milton Joyner	Affidavit to submit	4	2	Fed
4-19-85	Tommy Jones	Tort Claims	12	3	State
4-19-85	Tracy Albert	MFAR, Judgement	8	2	State
4-19-85	Virgil Sanderson	MFAR	12	2	Fed

March, 1985
PHOTOCOPY LOG
LAW LIBRARY

Eastern Correctional Center #3400

DATE	INMATE'S NAME	ITEM COPIED	PAGES	PHOTOS MADE	COURT
3-5-85	TN Thomas Nixon	NCC App-Denial W Cent	6	3	Fed
3-5-85	IK Isaac Kirkman	Policy/Proceed 83	8	4	Fed
3-5-85	RW Roland Williams	PI/MFAR	21	3	Fed
3-7-85	CF Chris Ferguson	MFAR, ORDER	16	2	Cert State
3-8-85	FM Fred Mabery	Petition, Policy 410, ORDER	48	24	Fed
3-8-85	WF William Freeman	Judgement, Indictment, ORDER, WARREN	13	13	State
3-11-85	DH Daniel Holmes	Brief Appeal	63	2	Fed
3-11-85	GT Gregory Taylor	Combined Record form	2	1	Not Legible
3-12-85	FM Fred Mabery	Affidavits, 131's Policy/ Proceed	32	1	
3-14-85	WJ Will Johnson	Petition ('83)	6	2	To Fed
3-14-85	HH. Howard L. (Illegible)	Letters		1	To State
3-14-85	EJ Erfa Johnson	Petition, Affidavit, ORDER	12	2	To Fed
3-14-85	PF Paul Fuller	MFAR		2	To F
3-18-85	Illegible	Parole Letter	3	1	State
3-18-85	Illegible	MFAR, ORDER, Indict.	12	1	State
3-19-85	GP George Parker	ORDER	2	1	State

PHOTOCOPY LOG
LAW LIBRARY

Eastern Correctional Center #3400

DATE	INMATE'S NAME	ITEM COPIED	PAGES	PHOTOS MADE	COURT
3-21-85	JH Jasper Hardy	Letters	8	2	State Ct.
3-21-85	CS Charles Stanley	Letter	2	1	Attorney
3-21-85	TA Tracy Adell	M.A.R.	12	3	State Court
3-21-85	Leon Ansel	Letters to Attorney	6	2	to State

Feb., 1985
PHOTOCOPY LOG
LAW LIBRARY

Eastern Correctional Center

DATE	INMATE'S NAME	ITEM COPIED	PAGES	PHOTOS MADE	COURT
2-5-85	FM Fred Mabery	Letter, Motion Judgement, E. District	18	3	Fed
2-5-85	JH Juan Hill	Petition Charge Name Notice (forms)	8	2	—
2-6-85	FM Fred Mabery	Civil 1983 with 1 Exhibit	8	1	Fed
2-6-85	George Evans (Duplin)	Statutes (G.S.) (to keep from transferring)	70	1	—
2-6-85	WJ Will Johnson	Civil 1983	10	2	Fed
2-8-85	WJ Willard Jones	Letter from D Chester	3	3	Fed (1983)
2-8-85	DB Donald Bishop	MFAR, ORDER, Judgement	22	1	Fed
2-8-85	RE Ronezell Ellis	Motion Credit/ORDER	8	2	Fed
2-8-85	DA David Adams	Index, Affidavits 1983, ORDER	66	3	Fed
2-8-85	FM Fred Mabery	Letter, ORDER, Policy, Petitions	36	1	Fed
2-11-85	DA David Adams	Judgements/Indictments	56	14	Fed
2-12-85	FM Fred Mabery	Affidavit, Letters, FBI, Motion to Dismiss	90	45	Fed
2-13-85	BS Not legible	HC Petition, ORDER, Affidavit	42	14	Fed
2-14-85	JC Joseph Charvis	MFAR	16	2	State
2-14-85	DA David Adams	Motion Dismiss	16	4	State
2-20-85	BS Bryant (Illegible)	Appeal Brief	45	4	Fed
2-20-85	EJ (Illegible) Johnson	410, 138 Civil	36	9	Fed

Feb., 1985
PHOTOCOPY LOG
LAW LIBRARY

Eastern Correctional Center #3400

DATE	INMATE'S NAME	ITEM COPIED	PAGES	PHOTOS MADE	COURT
2-21-85	DA David Adams	ORDER	1	1	Fed
2-21-85	JQ James Quinn	MFAR, Letter	13	1	Fed
2-22-85	FM Fred Mabery	Letter, ORDER, Judgement	18	2	Fed
2-26-85	DA David Adams	ORDER, Judgement, Commitment	36	4	Fed
2-26-85	IK Isaac Kirkman	410, 38	36	9	Fed
2-26-85	WW Willie Walker	Brief	94	2/1	Fed
2-26-85	FM Fred Mabery	ORDER, Judgement, Indictment	13	13	Fed
2-28-85	FJ Erfa Johnson	DC 410 to Submit 38, 410 with '83	30	18	Fed
2-28-85	WJ Will Johnson	1983 Civil	12	2	Fed
2-28-85	AB Abraham Belts	MFAR, Supp.	38	19	State

Dec. 84, Jan. 85, Part of Feb. 85

**PHOTOCOPY LOG
LAW LIBRARY**

Eastern Correctional Center #3400

A-535

DATE	INMATE'S NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL PHOTOS MADE	CHARGE FOR COPIES	
					FREE	AMOUNT COLLECTED
12-4-84	TN Thomas Nixon	ORDER, Indict, Sect. of Transcript	34	1	✓	To State
12-4-84	EJ Erza Johnson	Document (Civil)	1	1	✓	
12-4-84	FM Fred Mabery	Document (Civil)	1	1	✓	
12-4-84	MK Mike Keller	Court Order	1	1	✓	State
12-5-84	FM Fred Mabery	ORDER, Letter, Brief	58	2	✓	Supreme
12-12-84	VS Virgil Sanderson	ORDER, Transcript	136	3	✓	Illegible
12-13-84	DA David Adams	Judgement/Letter	12	6	✓	To Fed
12-18-84	GP George Parker	Appellant	80	4	✓	To Fed
1-2-85	FM Fred Mabery	Supreme Ct. US Exhibits	48	½	✓	To Fed
1-3-85	MT Milton Taylor	Letter, M/O Copy	5	1	✓	State
1-4-85	EB Eddie Boskey					
1-4-85	DA David Adams	Petition (83)	12	6	✓	To Fed
1-7-85	WW Willie Walker	Letter from Court	1	1	✓	To State
1-8-85	FM Fred Mabery	Letter from Opposition	54	2	✓	To Fed
1-11-85	JS James Stanley	Letter	5	1	✓	To State
1-14-85	CG Cortez Gunter	Letter	4	2	✓	To Fed
1-30-85	EJ Erza Johnson	Accident Report	3	1	✓	Fed 83
2-1-85	CH Cleveland Hudson	Separation Agreement	8	1	✓	
2-1-85	JH Juan Hill	Petition Change of name, Notice	10	¼	✓	State

PHOTOCOPY LOG
LAW LIBRARY

CMYC

A-536

DATE	INMATES NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL PHOTOS MADE	CHARGE FOR COPIES	
					FREE	AMOUNT COLLECTED
1-22-85	Kenneth (Illegible)	In Forma Pauperis Divorce Forms		21 copies	✓	
1-23-85	Frank Ballard	In Forma Pauperis Motion For Appropriate		31 copies	✓	
1-30-85	Robert Rector	Papers from Court Commitment		12 copies	✓	
1-30-85	Jeffrey Dale Clement	Motion for Appropriate Relief		27 copies	✓	
1-30-85	Jeffrey Dale Clement	Court Records		7 copies	✓	
2-15-85	Christopher R. Hare	Letters		4 copies	✓	
2-15-85	Carl Dywane McClure	Divorce		18 copies	✓	
2-20-85	Michael Keith Ayers	Motion for Appropriate Relief		30 copies	✓	
2-20-85	Howard Whitefield	Motion for Appropriate Relief		30 copies	✓	
2-21-85	Fitzgerald Locklear	Law Suit		24 copies	✓	
2-25-85	Johnny Jr. Harding	Divorce		21 copies	✓	
2-26-85	Albert Dale Ollis	Law Suit		24 copies	✓	
4-30-85	Ricky K. Lyda	Speedy Trial		2 cop	✓	
4-30-85	Tony Lee Wilson	Motion for Appropriate Relief		40 cop	✓	
5-10-85	Jimmy Lynn	Certificate Trust Fund		2 cop	✓	
5-14-85	Mike K. Chavis	Constitutional Right of Prisoners		2 cop	✓	

PHOTOCOPY LOG
LAW LIBRARY

December 1984

CMYC

DATE	INMATE'S NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL PHOTOS MADE	CHARGE FOR COPIES	
					FREE	AMOUNT COLLECTED
12-5-84	Timothy W. Schwarz	Commutation		42	✓	
12-6-84	Montie L. Hicks	Commutation		8	✓	

A-537

PHOTO COPIES OF LEGAL MATERIALS

Unit: Currituck 4120

1

--	--	--	--	--	--

[illegible]

PHOTO COPIES OF LEGAL MATERIALS

A-540

Date: March 1985

Unit: Currituck 4120

Inmate's Name:	Inmate No.	Type of Material:	Unit	Number of Copies
3/6/85 Curtis Downing		Attorney Letter—Appellant Defender	4120	2
3/7/85 Anthony Harris		Copy of Transcript Complete	4165	101
3/8/85 Donnie Carver		Copy of Misc. Gen. Stat.	4175	37
3/12/85 James Brown		Copy Letter from Clk. Ct. for Divorce	4120	1
3/13/85 Nicholas Moore	20757-42	Copy PC 19a to Attach to Writ	4120	1
3/13/85 Curtis Downing		Copy Gen. Stat. Crim. Process	4120	2
3/14/85 David Boone	20758-08	Copy of Complete Disc. Case	4120	45
3/15/85 Robert Bentley		Copy Letter from Sup. Ct.	4120	2
3/18/85 David Grayson		Copies of Federal Cases for Writ	4165	27
3/19/85 James Pinkowski		Copies of Commitment & Supporting Writ	4120	6
3/20/85 Gary Eakins		Copies to Submit for Re-hearing of Case	4120	18
3/22/85 Gary Eakins		Copies of Writ	4120	24
3/22/85 Curtis Downing		DC-223	4120	2
3/25/85 James Brown		Divorce Papers	4120	7
3/25/85 James Reddick		Copy of Grievance Form	4120	1
3/25/85 David A. Stout	10353-GA	Copies of Exhibits for Writ to File	4165	22
3/25/85 David A. Stout	10353-GA	Copy of Gen. Stat. for Writ	4165	6
3/26/85 Tommy Stevens	A	Affidavits	4120	6

PHOTO COPIES OF LEGAL MATERIALS

Date: March 1985

Unit: Currituck 4120

Inmate's Name:

Type of Material:

Unit	Number of Copies
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	10
11	11
12	12
13	13
14	14
15	15
16	16
17	17
18	18
19	19
20	20
21	21
22	22
23	23
24	24
25	25
26	26
27	27
28	28
29	29
30	30
31	31
32	32
33	33
34	34
35	35
36	36
37	37
38	38
39	39
40	40
41	41
42	42
43	43
44	44
45	45
46	46
47	47
48	48
49	49
50	50
51	51
52	52
53	53
54	54
55	55
56	56
57	57
58	58
59	59
60	60
61	61
62	62
63	63
64	64
65	65
66	66
67	67
68	68
69	69
70	70
71	71
72	72
73	73
74	74
75	75
76	76
77	77
78	78
79	79
80	80
81	81
82	82
83	83
84	84
85	85
86	86
87	87
88	88
89	89
90	90
91	91
92	92
93	93
94	94
95	95
96	96
97	97
98	98
99	99
100	100

3/31/85

Gary Eakins

20545-71

Copies to Submit to Griev-

4120

36

PHOTO COPIES OF LEGAL MATERIALS

te: April 1985

Unit: Currituck 4120

e		Inmate's Name:	Inmate No.	Type of Material:	Unit	Number of Copies
/85		Tommy Stevens		Copies of Affidavit	4120	9
/85		James Reddick		Copy of Grievance Form	4120	1
/85		Gary Eakins		Legal Papers To Submit to NC State Bar	4120	20
/85		David Stout		Copy of GS-148-23 & Rule for Grievance	4165	2
/85		Stanley Powell		List of Dept. of Justice components, functions & records maintenance	4165	12
11/85		Gary Eakins		Legal Papers concerning Jury	4120	8
15/85		David Stout		Re:/ 1983	4165	45
15/85		Anthony Harris		Copies of Court Report of Hrg. for Writ	4165	34
15/85		David Stout		Copies to go with Writ	4165	44
17/85		David Lupton		Copies of divorce complaint to refile	4120	6
18/85		Irwin Cross		Copy of Gen. Stat.	4123	2
22/85		David Stout		Copies of exhibits to attach to writs	4165	110
22/85		David Stout		Copies of exhibits to attach to writs	4165	107
24/85		Curtis Downing		Copy U.S. Ct. App. Claim "informal brief"	4120	7
26/85		Robert Knotts		Copies for affidavit	4120	8
28/85		Gary Eakins		Copies of Appeal to N.C. Sup. Court	4120	18
29/85		Robert Cannon		Copies of Gen. Stat.	4165	

PHOTO COPIES OF LEGAL MATERIALS

Unit: 4120

Date: April 1985

	Inmate's Name:	Inmate No.	Type of Material	Unit	Number of Copies
4-29	David Stout		Copies of Exhibits To Be Attached to Writ.	4165	31

PHOTO COPIES OF LEGAL MATERIALS

Date: May 1985Unit: Currituck 4120

	Inmate's Name:	Inmate No.	Type of Material:	Unit	Number of Copies
5/3	Robert Knotts		Copies of Fed. cases for Writ	4120	12
5/3	Gary Eakins		Copies of Legal Materials for Appeal	4120	12
5/10	Fred Lee		Copies of Court papers/ Com. & stmt.	4120	185
5/15	James Williams		Copy of affidavit forms for Sent. commut.	4165	10
5/15	Joe Fennell		Copies Parole Info	4120	2
5/21	Joe Fennell		Copies forms for getting back in Court	4120	12
5/28	David Stout		Inmate Grievance Procedures	4165	6
5/30	John Thomas White		Motion for Relief Appeal to Ct.	4120	45

EXHIBIT CCCCC

PHOTO COPIES OF LEGAL MATERIALS

Date: Feb. 1985 Unit: Martin County #4145

Inmate's Name:	Inmate No.	Type of Material:	Unit	Number of Copies
Dean Joyner	20160-74	Application for Commutation Sentence	M.C. 4145	4

A-545

PHOTO COPIES OF LEGAL MATERIALS

Date: Mar. 1985 Unit: Martin County #4145

Inmate's Name:	Inmate No.	Type of Material:	Unit	Number of Copies
Dean K. Joyner	20160-74	Application for Commutation Sentence	M.C. 4145	4

EXHIBIT DDDDD

Photocopying Facility
If yes, answer Column 9

Name of Respondent James Cook

UNIT NAME Odom NUMBER 3310

☐ Yes

☒ No

☐ No Full or Core

☒ Core

☐ Full

1	2	3	4	5	6	7	8	9
Inmate Name	Number	Request Full	Date	Transferred to	Date	Not Transferred	Reason	Unit Requests for Copying by Month since 1978
Orlando Willis		X	12-6-84	Caledonia	12-13-84			All requests for photocopies are mailed to the Full Law Library at Caledonia and all photocopies are made at Caledonia
Edward Ganey		X	12-9-84	Caledonia	12-17-84			
Joseph Shaw		X	12-10-84	Caledonia	12-21-84			
Anthony Briggs		X	12-10-84	Caledonia	12-21-84			
Leroy Richardson		X	12-6-84	Caledonia	12-27-84			
Freddie Corbett		X	12-12-84	Caledonia	12-27-84			
Larry Cooper		X	12-12-84	Caledonia	12-27-84			
Roger Thompson		X			1-4-85	did not transfer		
Forrest Fate		X	12-17-84	Caledonia	1-4-85			
Charles Otto		X	1-6-85	Caledonia	1-15-85			
Edward Ganey		X	1-9-85	Caledonia	1-16-85			
Larry Parnell		X	1-9-85	Caledonia	1-16-85			
Roger Thompson		X	1-4-85	Caledonia	1-17-85			
Anthony Briggs		X	1-10-85	Caledonia	1-17-85			
Freddie Corbett		X	1-14-85	Caledonia	1-22-85			
Ralph Sperazzo		X	1-14-85	Caledonia	1-25-85			
Charles Otto		X	1-21-85	Caledonia	1-28-85			
Leroy Richardson		X			1-28-85	did not transfer		
Donnie Eastwood		X	1-22-85	Caledonia	1-29-85			

Edward Thomas

X

1-21-85

Caledonia

1-29-85

Name of Respondent

James Cook

Photocopying Facility
If yes, answer Column 9

UNIT NAME

Odom

NUMBER

3310

☐ Full☒ Core☐ No Full or Core☐ Yes☒ No

1	2	3	4	5	6	7	8	9
Inmate Name	Number	Request Full	Date	Transferred to	Date	Not Transferred	Reason	Unit Requests for Copying by Month since 1978
Sam McCotter		X	1-26-85	Caledonia	2-1-85			
William Clark		X	1-28-85	Caledonia	2-4-85			
Willie Smith		X	1-30-85	Caledonia	2-7-85			
Eric Moore		X	2-6-85	Caledonia	2-7-85			
Luther Lowe		X	1-30-85	Caledonia	2-12-85			
Orlando Willis		X	2-3-85	Caledonia	2-14-85			
Ossie Cunningham		X	2-3-85	Caledonia	2-14-85			
Fred Murphy		X	2-14-85	Caledonia	2-15-85			
Furman Crane		X	2-6-85	Caledonia	2-18-85			
Edward Ganey		X			2-18-85			
Larry Parnell		X	2-6-85	Caledonia	2-18-85			
Robert Nealey		X	2-12-85	Caledonia	2-18-85			
Johnny Murphy		X	2-13-85	Caledonia	2-25-85			
Donald Bryant		X	2-12-85	Caledonia	2-25-85			
Gregory Hawkins		X	2-12-85	Caledonia	2-25-85			
Willie Smith		X	2-11-85	Caledonia	2-26-85			
Robert Hankins		X	2-16-85	Caledonia	2-28-85			
Ralph Sperazzo		X	2-25-85	Caledonia	3-1-85			
Donald Bryant		X	2-26-85	Caledonia	3-1-85			
						Refused		All requests for photocopies are mailed to the Full Law Library at Caledonia and all photocopies are made at Caledonia

Photocopying Facility
If yes, answer Column 9

☐ Yes

☒ No

Name of Respondent James Cook
UNIT NAME Odom NUMBER 3310

☐ Full

☒ Core

☐ No Full or Core

1	2	3	4	5	6	7	8	9
Inmate Name	Number	Request Full	Date	Transferred to	Date	Not Transferred	Reason	Unit Requests for Copying by Month since 1978
Michael Nicholson		X	3-5-85	Caledonia	3-5-85			
Gregory Hawkins		X	2-19-85	Caledonia	3-5-85			
Robert Hankins		X	3-1-85	Caledonia	3-6-85			
Freddie Corbett		X	2-28-85	Caledonia	3-11-85			
Charles Lynch		X	3-5-85	Caledonia	3-11-85			
Steve Oxendine		X	2-28-85	Caledonia	3-11-85			
William Clark		X			3-15-85			
Donnie Eastwood		X	3-6-85	Caledonia	3-22-85			
Sam McCotter		X	3-14-85	Caledonia	3-22-85			
Edward Ganey		X	3-18-85	Caledonia	3-22-85			
Ralph Sperazzo		X	3-19-85	Caledonia	3-26-85			
Freddie Corbett		X	3-19-85	Caledonia	3-26-85			
Leroy Richardson		X			3-26-85			
Willie Cross		X			3-26-85			
Raymond Creason		X	3-22-85	Caledonia	3-26-85			
Bill Cline		X	3-27-85	Caledonia	3-26-85			
Freddie Corbett		X	3-28-85	Caledonia	3-26-85			
Edward Ganey		X			4-1-85			
					4-9-85			
					4-10-85			
						did not transfer		
						did not transfer		
						did not transfer		
								All requests for photocopies are mailed to the Full Law Library at Caledonia and all photocopies are made at Caledonia

Photocopying Facility
If yes, answer Column 9

☐ Yes

☒ No

Name of Respondent James Cook
UNIT NAME Odom NUMBER 3310

☐ No Full or Core

☒ Core

☐ Full

1	2	3	4	5	6	7	8	9
Inmate Name	Number	Request Full	Date	Transferred to	Date	Not Transferred	Reason	Unit Requests for Copying by Month since 1978
Joseph Shaw		X	4-8-85	Caledonia	4-17-85			All requests for photocopies are mailed to the Full Law Library at Caledonia and all photocopies are made at Caledonia
Mark Jenkins		X	4-7-85	Caledonia	4-17-85			
Donald Bryant		X	4-9-85	Caledonia	4-17-85			
Willie Smith		X	4-9-85	Caledonia	4-18-85			
Edward Ganey		X	4-13-85	Caledonia	4-23-85			
Mark Jenkins		X	4-15-85	Caledonia	4-24-85			
Robert Hankins		X	4-16-85	Caledonia	4-24-85			
William Bullins		X	4-12-85	Caledonia	4-24-85			
Joseph Shaw		X	4-17-85	Caledonia	4-26-85			
Albert Green		X	4-15-85	Caledonia	4-26-85			
Lawrence Easter		X	4-22-85	Caledonia	4-30-85			
Roger Wilkerson		X	4-19-85	Caledonia	4-30-85			
Cedric Holland		X	4-15-85	Caledonia	5-2-85			
Gregory Hawkins		X	5-3-85	Caledonia	5-3-85			
Robert Hankins		X	4-25-85	Caledonia	5-7-85	did not transfer		
Joseph Messer		X			5-7-85	did not transfer		
Roger Toppings		X	5-2-85	Caledonia	5-10-85			
William Bullins		X	5-1-85	Caledonia	5-13-85			
Joseph Shaw		X						

EXHIBIT EEEEE

MR. NATHANIEL O. BOYKIN (LAW LIBRARY CONSULTANT).

TO: 831 WEST MORGAN ST.
RALEIGH, N.C. 27603

May 31, 1985

MR. JOE JACOBS (LAW LIBRARY CUSTODIAN).

ROBESON UNIT (4340).

FROM: P.O. BOX 2127
LUMBERTON, N.C. 28358

NUMBER OF PHOTO COPIES FROM DECEMBER 3, 1984. TO APRIL 26, 1985.
INMATE LAW LIBRARY CLERK QUALIFICATIONS AT THE ROBESON UNIT (4340).

RE:

DATE	INMATES NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL COPIES	CHARGE
12-3-1984	MICHAEL MURCHISON	G.S. 50-13.1	29	29	FREE
1-18-1985	JAMES W. SMITH	1983 LAW SUIT	20	60	FREE
1-28-1985	JAMES C. MITCHELL	1983 LAW SUIT	50	200	FREE
2-26-1983	HERBERT GOODE	Letter	3	3	FREE
3-4-1985	JAMES C. MITCHELL	1983 LAW SUIT	18	48	FREE
3-25-1985	JAMES C. MITCHELL	1983 LAW SUIT	4	16	FREE
4-12-1985	JOHNNY LOCKLEAR	HABEAS CORPUS	9	45	FREE
4-15-1985	JAMES C. MITCHELL	1983 LAW SUIT	10	40	FREE
4-26-1985	BILLY JACOBS	B. & E. INFO.	4	4	FREE

GERALD LINWOOD SAUNDERS (10156-26)
HIGH SCHOOL GRADUATE
SIX MONTHS TRAINING AS LIBRARY CLERK.
HAS NOT ATTENDED LAW LIBRARY WORK SHOP.

ANTHONY BLANCO EVANS (10258-S.C.)
HIGH SCHOOL GRADUATE
THREE MONTHS TRAINING AS LIBRARY CLERK.
HAS COMPLETED (40 hr.) WORK-SHOP

/s/ JOE JACOBS
LAW LIBRARY CUSTODIAN

EXHIBIT FFFFF
N. C. DEPARTMENT OF CORRECTION
ACCESS TO LEGAL MATERIALS AND LAW LIBRARY

Ronald Bethea _____ 20359-65 _____ FROM _____ Warren Co.
Inmate's Name _____ DOC Number _____ Name of Unit _____
FELON ☐ MISD ☒

TO HEREBY REQUEST:

☒ COPIES OF THE FOLLOWING LEGAL MATERIALS:

8 copies of the Indictment Robbery/Dangerous Weapon

☐ USE OF THE LAW LIBRARY

My On-Duty Hours are _____ A.M./P.M. TO _____ A.M./P.M.
Please take into consideration the following factors in scheduling my
appointment (include estimated time needed): _____

LEGAL DEADLINE

To be completed only if you have a legal deadline and want to be placed on the
priority list with other inmates who have a legal deadline.

- a. Purpose for use of library (type of case): _____ NA
b. Reason for deadline: I transfer Wed., max-out _____

c. Date of the deadline: _____
YOU MAY REQUEST THE COURT TO GRANT YOU AN EXTENSION
OF TIME SINCE THE DIVISION OF PRISONS CANNOT PROMISE
IMMEDIATE USE OF THE LAW LIBRARY DUE TO THE NUMBER
OF OTHER INMATES WHO MAY BE ON THE PRIORITY LIST TO
USE THE LAW LIBRARY FACILITIES.

INMATE'S SIGNATURE, /S/ _____ Ronald Bethea

DATE 3/29/85 TIME 5:30 P.M.

FOR USE BY THE INMATE'S SUPERINTENDENT

Comments (set forth any adjustments to the request; include referrals to any
disciplinary or classification action committee) _____ Copies Only _____

APPROVED CATEGORY 111 _____ (illegible) _____ 4/2/85 4:00 A.M.
CATEGORY II ☒ /S/ _____ Date _____ Time _____
Signature of Superintendent or Designee

FOR USE BY THE SUPERINTENDENT WITH LIBRARY

THE ABOVE NAMED INMATE HAS BEEN:

- ☐ MAILED A COPY OF THE REQUESTED MATERIAL ON _____ Date _____
☐ SCHEDULED FOR USE OF THE LAW LIBRARY BETWEEN
THE HOURS OF _____ 19 _____
_____ A.M./P.M. TO _____ A.M./P.M. ON _____
Month/Day

Signature of Superintendent or Designee _____ Unit Location _____

DISTRIBUTION: SEE REVERSE SIDE

**N. C. DEPARTMENT OF CORRECTION
ACCESS TO LEGAL MATERIALS AND LAW LIBRARY**

Lee S. Rambo, 10746-MO FROM WARRENTON
Inmate's Name DOC Number Name of Unit
FELON ☐ MISD ☒

TO HEREBY REQUEST:

☒ COPIES OF THE FOLLOWING LEGAL MATERIALS:
Copy of my commitment papers which Lt. Manning has, for this purpose

☐ USE OF THE LAW LIBRARY
My On-Duty Hours are A.M./P.M. TO A.M./P.M.
Please take into consideration the following factors in scheduling my appointment (include estimated time needed):

LEGAL DEADLINE

To be completed only if you have a legal deadline and want to be placed on the priority list with other inmates who have a legal deadline.

- a. Purpose for use of library (type of case):
- b. Reason for deadline:
- c. Date of the deadline:

YOU MAY REQUEST THE COURT TO GRANT YOU AN EXTENSION OF TIME SINCE THE DIVISION OF PRISONS CANNOT PROMISE IMMEDIATE USE OF THE LAW LIBRARY DUE TO THE NUMBER OF OTHER INMATES WHO MAY BE ON THE PRIORITY LIST TO USE THE LAW LIBRARY FACILITIES.

INMATE'S SIGNATURE /S/ Lee S. Rambo
DATE 1-23-85 TIME 9:00 P.M.

FOR USE BY THE INMATE'S SUPERINTENDENT

Comments (set forth any adjustments to the request; include referrals to any disciplinary or classification action committee) Copy given to inmate 1-24-85

APPROVED CATEGORY I ☐ (illegible) 1-24-85 8:00 a.m.
CATEGORY II ☒ /S/ Signature of Superintendent or Designee Date Time

FOR USE BY THE SUPERINTENDENT WITH LIBRARY

THE ABOVE NAMED INMATE HAS BEEN:

- ☐ MAILED A COPY OF THE REQUESTED MATERIAL ON Date
- ☐ SCHEDULED FOR USE OF THE LAW LIBRARY BETWEEN THE HOURS OF A.M./P.M. TO A.M./P.M. ON 19 Month/Day

Signature of Superintendent or Designee Unit Location

DISTRIBUTION: SEE REVERSE SIDE

N. C. DEPARTMENT OF CORRECTION
ACCESS TO LEGAL MATERIALS AND LAW LIBRARY

Ronald Bethea , 20359-65 FROM Warrenton
Inmate's Name DOC Number Name of Unit

FELON ☐ MISD ☒

TO HEREBY REQUEST:

- ☒ **COPIES OF THE FOLLOWING LEGAL MATERIALS:**
The letter the DA or Clerk of Courts sent to this unit concerning the charges in Columbus Co.

☐ **USE OF THE LAW LIBRARY**
My On-Duty Hours are _____ A.M./P.M. TO _____ A.M./P.M.
Please take into consideration the following factors in scheduling my appointment (include estimated time needed): _____

LEGAL DEADLINE

To be completed only if you have a legal deadline and want to be placed on the priority list with other inmates who have a legal deadline.

- a. Purpose for use of library (type of case): _____
b. Reason for deadline: _____
c. Date of the deadline: _____
YOU MAY REQUEST THE COURT TO GRANT YOU AN EXTENSION OF TIME SINCE THE DIVISION OF PRISONS CANNOT PROMISE IMMEDIATE USE OF THE LAW LIBRARY DUE TO THE NUMBER OF OTHER INMATES WHO MAY BE ON THE PRIORITY LIST TO USE THE LAW LIBRARY FACILITIES.

INMATES'S SIGNATURE /S/ Ronald Bethea
DATE 1/10/85 TIME 3:30 p.m.

FOR USE BY THE INMATE'S SUPERINTENDENT

Comments (set forth any adjustments to the request; include referrals to any disciplinary or classification action committee) _____

APPROVED CATEGORY I ☐ (illegible) 1/11/85 10:00 a.m.
CATEGORY II ☒ /S/ _____ Date _____ Time _____
Signature of Superintendent or Designee

FOR USE BY THE SUPERINTENDENT WITH LIBRARY

THE ABOVE NAMED INMATE HAS BEEN:

- ☐ MAILED A COPY OF THE REQUESTED MATERIAL ON _____ Date _____
☐ SCHEDULED FOR USE OF THE LAW LIBRARY BETWEEN _____
THE HOURS OF _____ A.M./P.M. TO _____ A.M./P.M. ON _____ 19 _____
Month/Day

Signature of Superintendent or Designee _____ Unit Location _____

DISTRIBUTION: SEE REVERSE SIDE

**N. C. DEPARTMENT OF CORRECTION
ACCESS TO LEGAL MATERIALS AND LAW LIBRARY**

FELON ☐ MISD ☒

Ronald Bethea, 20359-65 FROM Warrenton
Inmate's Name DOC Number Name of Unit

TO HEREBY REQUEST:

- ☒ COPIES OF THE FOLLOWING LEGAL MATERIALS:
6 copies Notice of Dismissal

☐ USE OF THE LAW LIBRARY
My On-Duty Hours are A.M./P.M. TO A.M./P.M.
Please take into consideration the following factors in scheduling my
appointment (include estimated time needed):

LEGAL DEADLINE

To be completed only if you have a legal deadline and want to be placed on the
priority list with other inmates who have a legal deadline.

- a. Purpose for use of library (type of case):
b. Reason for deadline:
c. Date of the deadline:

YOU MAY REQUEST THE COURT TO GRANT YOU AN EXTENSION
OF TIME SINCE THE DIVISION OF PRISONS CANNOT PROMISE
IMMEDIATE USE OF THE LAW LIBRARY DUE TO THE NUMBER
OF OTHER INMATES WHO MAY BE ON THE PRIORITY LIST TO
USE THE LAW LIBRARY FACILITIES.

INMATES'S SIGNATURE /S/ Ronald Bethea
DATE 3/20/85 TIME 12:20 p.m.

FOR USE BY THE INMATE'S SUPERINTENDENT

Comments (set forth any adjustments to the request; include referrals to any
disciplinary or classification action committee) Copies Only

APPROVED CATEGORY I ☐
CATEGORY II ☒ (illegible) 3/20/85 1:00 p.m.
Signature of Superintendent or Designee Date Time

FOR USE BY THE SUPERINTENDENT WITH LIBRARY

THE ABOVE NAMED INMATE HAS BEEN:

- ☐ MAILED A COPY OF THE REQUESTED MATERIAL ON Date
☐ SCHEDULED FOR USE OF THE LAW LIBRARY BETWEEN
THE HOURS OF
A.M./P.M. TO A.M./P.M. ON 19
Month/Day

Signature of Superintendent or Designee Unit Location

DISTRIBUTION: SEE REVERSE SIDE

**N. C. DEPARTMENT OF CORRECTION
ACCESS TO LEGAL MATERIALS AND LAW LIBRARY**

FELON ☒ MISD ☐

Ronald Bethea, 20359-65 FROM Warren Co.
Inmate's Name DOC Number Name of Unit

TO HEREBY REQUEST:

☒ COPIES OF THE FOLLOWING LEGAL MATERIALS:
5 copies

☐ USE OF THE LAW LIBRARY
My On-Duty Hours are A.M./P.M. TO A.M./P.M.
Please take into consideration the following factors in scheduling my appointment (include estimated time needed):

LEGAL DEADLINE

To be completed only if you have a legal deadline and want to be placed on the priority list with other inmates who have a legal deadline.

- a. Purpose for use of library (type of case):
b. Reason for deadline:
c. Date of the deadline:

YOU MAY REQUEST THE COURT TO GRANT YOU AN EXTENSION OF TIME SINCE THE DIVISION OF PRISONS CANNOT PROMISE IMMEDIATE USE OF THE LAW LIBRARY DUE TO THE NUMBER OF OTHER INMATES WHO MAY BE ON THE PRIORITY LIST TO USE THE LAW LIBRARY FACILITIES.

INMATES'S SIGNATURE /S/ Ronald Bethea
DATE 3-8-85 TIME 10:30 AM

FOR USE BY THE INMATE'S SUPERINTENDENT

Comments (set forth any adjustments to the request; include referrals to any disciplinary or classification action committee) Copies Only

APPROVED CATEGORY I ☐ (illegible) 3/11/85 9:00 AM
CATEGORY II ☒ /S/ Signature of Superintendent or Designee Date Time

FOR USE BY THE SUPERINTENDENT WITH LIBRARY

THE ABOVE NAMED INMATE HAS BEEN:

- ☐ MAILED A COPY OF THE REQUESTED MATERIAL ON Date
☐ SCHEDULED FOR USE OF THE LAW LIBRARY BETWEEN THE HOURS OF
A.M./P.M. TO A.M./P.M. ON 19 Month/Day

Signature of Superintendent or Designee Unit Location

DISTRIBUTION: SEE REVERSE SIDE

N. C. DEPARTMENT OF CORRECTION
ACCESS TO LEGAL MATERIALS AND LAW LIBRARY

Christopher Nessmith, 10463-GA FROM Warrenton
Inmate's Name DOC Number Name of Unit
FELON ☐ MISD ☒

TO HEREBY REQUEST:

- ☒ COPIES OF THE FOLLOWING LEGAL MATERIALS:
Gen Statute NC — Constitution

☐ USE OF THE LAW LIBRARY
My On-Duty Hours are NA A.M./P.M. TO NA A.M./P.M.
Please take into consideration the following factors in scheduling my
appointment (include estimated time needed): NA

LEGAL DEADLINE

To be completed only if you have a legal deadline and want to be placed on the
priority list with other inmates who have a legal deadline.

- a. Purpose for use of library (type of case): Felony—Detainer
b. Reason for deadline: NA
c. Date of the deadline: NA

YOU MAY REQUEST THE COURT TO GRANT YOU AN EXTENSION
OF TIME SINCE THE DIVISION OF PRISONS CANNOT PROMISE
IMMEDIATE USE OF THE LAW LIBRARY DUE TO THE NUMBER
OF OTHER INMATES WHO MAY BE ON THE PRIORITY LIST TO
USE THE LAW LIBRARY FACILITIES.

INMATE'S SIGNATURE /S/ Christopher Nessmith
DATE 1-30-85 TIME 4:00 PM

FOR USE BY THE INMATE'S SUPERINTENDENT

Comments (set forth any adjustments to the request; include referrals to any
disciplinary or classification action committee) Copies Only

APPROVED CATEGORY I ☐
CATEGORY II ☒ (Illegible) 1/30/85 4:00 PM
Signature of Superintendent or Designee Date Time

FOR USE BY THE SUPERINTENDENT WITH LIBRARY

THE ABOVE NAMED INMATE HAS BEEN:

- ☐ MAILED A COPY OF THE REQUESTED MATERIAL ON _____
Date
☐ SCHEDULED FOR USE OF THE LAW LIBRARY BETWEEN
THE HOURS OF _____ A.M./P.M. TO _____ A.M./P.M. ON _____ 19 _____
Month/Day

Signature of Superintendent or Designee

Unit Location

DISTRIBUTION: SEE REVERSE SIDE

N. C. DEPARTMENT OF CORRECTION
ACCESS TO LEGAL MATERIALS AND LAW LIBRARY

Tony Sampson FELON ☐ MISD ☒
Inmate's Name 20360-64 FROM Warren Co.
DOC Number Name of Unit

TO HEREBY REQUEST:

☒ COPIES OF THE FOLLOWING LEGAL MATERIALS:
Copies of my commitment papers from Durham & Halifax Counties.

☒ USE OF THE LAW LIBRARY

My On-Duty Hours are _____ A.M./P.M. TO _____ A.M./P.M.
Please take into consideration the following factors in scheduling my
appointment (include estimated time needed): _____

LEGAL DEADLINE

To be completed only if you have a legal deadline and want to be placed on the
priority list with other inmates who have a legal deadline.

- a. Purpose for use of library (type of case): _____
b. Reason for deadline: _____
c. Date of the deadline: _____

YOU MAY REQUEST THE COURT TO GRANT YOU AN EXTENSION
OF TIME SINCE THE DIVISION OF PRISONS CANNOT PROMISE
IMMEDIATE USE OF THE LAW LIBRARY DUE TO THE NUMBER
OF OTHER INMATES WHO MAY BE ON THE PRIORITY LIST TO
USE THE LAW LIBRARY FACILITIES.

INMATE'S SIGNATURE /S/ Tony Sampson
DATE 12/2/84 TIME 6:30 p.m.

FOR USE BY THE INMATE'S SUPERINTENDENT

Comments (set forth any adjustments to the request; include referrals to any
disciplinary or classification action committee) Copies made and given to
Sampson on 12-3-84

APPROVED CATEGORY I ☐ (Illegible)
CATEGORY II ☒ /S/ _____ Date _____ Time _____
Signature of Superintendent or Designee

FOR USE BY THE SUPERINTENDENT WITH LIBRARY

THE ABOVE NAMED INMATE HAS BEEN:

- ☐ MAILED A COPY OF THE REQUESTED MATERIAL ON _____ Date _____
☐ SCHEDULED FOR USE OF THE LAW LIBRARY BETWEEN
THE HOURS OF _____ A.M./P.M. TO _____ A.M./P.M. ON _____ 19 _____
Month/Day

Signature of Superintendent or Designee Unit Location

DISTRIBUTION: SEE REVERSE SIDE

**N. C. DEPARTMENT OF CORRECTION
ACCESS TO LEGAL MATERIALS AND LAW LIBRARY**

Rickie Dean Ladd _____ FELON ☒ MISD ☒
Inmate's Name _____ 10563-77 _____ FROM Warrenton, N.C.
DOC Number _____ Name of Unit _____

TO HEREBY REQUEST:

☒ COPIES OF THE FOLLOWING LEGAL MATERIALS:
three page legal motion, also notized (3 copies made)

☐ USE OF THE LAW LIBRARY
My On-Duty Hours are _____ A.M./P.M. TO _____ A.M./P.M.
Please take into consideration the following factors in scheduling my
appointment (include estimated time needed): _____

LEGAL DEADLINE

To be completed only if you have a legal deadline and want to be placed on the
priority list with other inmates who have a legal deadline.

- a. Purpose for use of library (type of case): _____
b. Reason for deadline: _____
c. Date of the deadline: _____

YOU MAY REQUEST THE COURT TO GRANT YOU AN EXTENSION
OF TIME SINCE THE DIVISION OF PRISONS CANNOT PROMISE
IMMEDIATE USE OF THE LAW LIBRARY DUE TO THE NUMBER
OF OTHER INMATES WHO MAY BE ON THE PRIORITY LIST TO
USE THE LAW LIBRARY FACILITIES.

INMATE'S SIGNATURE /S/ Rickie Ladd
DATE 4-22-85 TIME 8:00 a.m.

FOR USE BY THE INMATE'S SUPERINTENDENT

Comments (set forth any adjustments to the request; include referrals to any
disciplinary or classification action committee) _____ Copies given to inmate on
4/23/85

APPROVED CATEGORY I ☐ (illegible) 4-23-85 8:30 AM
CATEGORY II ☒ /S/ _____ Date _____ Time _____
Signature of Superintendent or Designee

FOR USE BY THE SUPERINTENDENT WITH LIBRARY

THE ABOVE NAMED INMATE HAS BEEN:

- ☐ MAILED A COPY OF THE REQUESTED MATERIAL ON _____ Date _____
☐ SCHEDULED FOR USE OF THE LAW LIBRARY BETWEEN
THE HOURS OF _____ A.M./P.M. TO _____ A.M./P.M. ON _____ 19 _____
Month/Day

Signature of Superintendent or Designee

Unit Location

DISTRIBUTION: SEE REVERSE SIDE

N. C. DEPARTMENT OF CORRECTION
ACCESS TO LEGAL MATERIALS AND LAW LIBRARY

Lee S. Rambo _____ FELON ☐ MISD ☒
Inmate's Name _____ 10746-MO _____ FROM _____ Warrenton _____
DOC Number _____ Name of Unit _____

TO HEREBY REQUEST:

☒ COPIES OF THE FOLLOWING LEGAL MATERIALS:
Need 3 copies of attached papers, for, Parole board, Hazel Keith

☐ USE OF THE LAW LIBRARY
My On-Duty Hours are _____ A.M./P.M. TO _____ A.M./P.M.
Please take into consideration the following factors in scheduling my
appointment (include estimated time needed): _____

LEGAL DEADLINE

To be completed only if you have a legal deadline and want to be placed on the
priority list with other inmates who have a legal deadline.

- a. Purpose for use of library (type of case): _____
b. Reason for deadline: _____
c. Date of the deadline: _____

YOU MAY REQUEST THE COURT TO GRANT YOU AN EXTENSION
OF TIME SINCE THE DIVISION OF PRISONS CANNOT PROMISE
IMMEDIATE USE OF THE LAW LIBRARY DUE TO THE NUMBER
OF OTHER INMATES WHO MAY BE ON THE PRIORITY LIST TO
USE THE LAW LIBRARY FACILITIES.

INMATES'S SIGNATURE /S/ Lee S. Rambo
DATE 4-22-85 TIME 7:45 AM

FOR USE BY THE INMATE'S SUPERINTENDENT

Comments (set forth any adjustments to the request; include referrals to any
disciplinary or classification action committee) Copies given to inmate
Rambo on 4/23/85

APPROVED CATEGORY I ☐ (Illegible)
CATEGORY II ☒ /S/ _____ 4/23/85 9:00 AM
Signature of Superintendent or Designee Date Time

FOR USE BY THE SUPERINTENDENT WITH LIBRARY

THE ABOVE NAMED INMATE HAS BEEN:

- ☐ MAILED A COPY OF THE REQUESTED MATERIAL ON _____
Date
☐ SCHEDULED FOR USE OF THE LAW LIBRARY BETWEEN
THE HOURS OF _____ A.M./P.M. TO _____ A.M./P.M. ON _____ 19 _____
Month/Day

Signature of Superintendent or Designee _____ Unit Location _____

DISTRIBUTION: SEE REVERSE SIDE

N. C. DEPARTMENT OF CORRECTION

Lee S. Rambo
Inmate's Name

10746-MO
DOC Number

FROM

Warrenton
Name of Unit

FELON ☐ MISD ☒

TO HEREBY REQUEST:

☒ COPIES OF THE FOLLOWING LEGAL MATERIALS:

Need 3 copies of attached papers, for, Parole board, Hazel Keith

☐ USE OF THE LAW LIBRARY

My On-Duty Hours are _____ A.M./P.M. TO _____ A.M./P.M.
Please take into consideration the following factors in scheduling my
appointment (include estimated time needed): _____

LEGAL DEADLINE

LEGAL DEADLINE
To be completed only if you have a legal deadline and want to be placed on the priority list with other inmates who have a legal deadline.

a. Purpose for use of library (type of case):

b. Reason for deadline:

c. Date of the deadline:

YOU MAY REQUEST THE COURT TO GRANT YOU AN EXTENSION OF TIME SINCE THE DIVISION OF PRISONS CANNOT PROMISE IMMEDIATE USE OF THE LAW LIBRARY DUE TO THE NUMBER OF OTHER INMATES WHO MAY BE ON THE PRIORITY LIST TO USE THE LAW LIBRARY FACILITIES.

INMATES'S SIGNATURE /S/ Lee S. Rambo
DATE 4-22-85 TIME 7:45 AM

FOR USE BY THE INMATE'S SUPERINTENDENT

Comments (set forth any adjustments to the request; include referrals to any disciplinary or classification action committee) Copies given to inmate Rambo on 4/23/85

APPROVED CATEGORY I ☐ (Illegible)
 CATEGORY II ☒ /S/ Signature of Superintendent or Designee
 Date 4/23/85 Time 9:00 AM

FOR USE BY THE SUPERINTENDENT WITH LIBRARY

THE ABOVE NAMED INMATE HAS BEEN:

☐ MAILED A COPY OF THE REQUESTED MATERIAL ON _____ Date _____

☐ SCHEDULED FOR USE OF THE LAW LIBRARY BETWEEN THE HOURS OF _____

☐ SCHEDULED FOR USE OF THE LAW LIBRARY BETWEEN
THE HOURS OF _____ A.M./P.M. TO _____ A.M./P.M. ON _____ 19____
_____, _____ Month/Day

Signature of Superintendent or Designee	Unit Location

DISTRIBUTION: SEE REVERSE SIDE

**N. C. DEPARTMENT OF CORRECTION
ACCESS TO LEGAL MATERIALS AND LAW LIBRARY**

A-561

Jerry W. Dickey, FELON ☐ MISD ☒
Inmate's Name 11260-1L, FROM 4270 Name of Unit
DOC Number

TO HEREBY REQUEST:

☒ COPIES OF THE FOLLOWING LEGAL MATERIALS:
Form No #T-1 N.C.I.C. Affidavit Form 42 U.S.C., SEC 1983

☐ USE OF THE LAW LIBRARY
My On-Duty Hours are A.M./P.M. TO A.M./P.M.
Please take into consideration the following factors in scheduling my
appointment (include estimated time needed):

LEGAL DEADLINE
To be completed only if you have a legal deadline and want to be placed on the
priority list with other inmates who have a legal deadline.

- a. Purpose for use of library (type of case):
- b. Reason for deadline:
- c. Date of the deadline:

YOU MAY REQUEST THE COURT TO GRANT YOU AN EXTENSION
OF TIME SINCE THE DIVISION OF PRISONS CANNOT PROMISE
IMMEDIATE USE OF THE LAW LIBRARY DUE TO THE NUMBER
OF OTHER INMATES WHO MAY BE ON THE PRIORITY LIST TO
USE THE LAW LIBRARY FACILITIES.

INMATE'S SIGNATURE /S/ Jerry W. Dickey
DATE 4/4/85 TIME 9:00

FOR USE BY THE INMATE'S SUPERINTENDENT

Comments (set forth any adjustments to the request; include referrals to any
disciplinary or classification action committee) Copy given to inmate on
4/5/85

APPROVED CATEGORY I ☐
CATEGORY II ☒ /S/ (Illegible) 4/5/85 4:00 PM
Signature of Superintendent or Designee Date Time

FOR USE BY THE SUPERINTENDENT WITH LIBRARY

THE ABOVE NAMED INMATE HAS BEEN:
☐ MAILED A COPY OF THE REQUESTED MATERIAL ON Date
☐ SCHEDULED FOR USE OF THE LAW LIBRARY BETWEEN
THE HOURS OF A.M./P.M. TO A.M./P.M. ON 19
Month/Day

Signature of Superintendent or Designee Unit Location

DISTRIBUTION: SEE REVERSE SIDE

**N. C. DEPARTMENT OF CORRECTION
ACCESS TO LEGAL MATERIALS AND LAW LIBRARY**

Jerry Dickey FELON ☒ MISD ☒
Inmate's Name 11260-IL FROM Warrenton
 DOC Number Name of Unit

TO HEREBY REQUEST:

☒ **COPIES OF THE FOLLOWING LEGAL MATERIALS:**

Please send and fill out documentation order and a yellow envelope please

☐

USE OF THE LAW LIBRARY

My On-Duty Hours are _____ A.M./P.M. TO _____ A.M./P.M.
Please take into consideration the following factors in scheduling my
appointment (include estimated time needed): _____

LEGAL DEADLINE

To be completed only if you have a legal deadline and want to be placed on the
priority list with other inmates who have a legal deadline.

- a. Purpose for use of library (type of case): _____
- b. Reason for deadline: _____
- c. Date of the deadline: _____

**YOU MAY REQUEST THE COURT TO GRANT YOU AN EXTENSION
OF TIME SINCE THE DIVISION OF PRISONS CANNOT PROMISE
IMMEDIATE USE OF THE LAW LIBRARY DUE TO THE NUMBER
OF OTHER INMATES WHO MAY BE ON THE PRIORITY LIST TO
USE THE LAW LIBRARY FACILITIES.**

INMATE'S SIGNATURE /S/ _____ Jerry W. Dickey

DATE 4/11/85 TIME 9:00

FOR USE BY THE INMATE'S SUPERINTENDENT

Comments (set forth any adjustments to the request; include referrals to any
disciplinary or classification action committee) _____ Copies given to inmate on
4/15/85

APPROVED CATEGORY I ☐

CATEGORY II ☒ /S/ _____ (Illegible) 4/15/85 9:00 AM
Signature of Superintendent or Designee Date Time

FOR USE BY THE SUPERINTENDENT WITH LIBRARY

THE ABOVE NAMED INMATE HAS BEEN:

- ☐ MAILED A COPY OF THE REQUESTED MATERIAL ON _____
Date
- ☐ SCHEDULED FOR USE OF THE LAW LIBRARY BETWEEN
THE HOURS OF _____ A.M./P.M. TO _____ A.M./P.M. ON _____ 19 _____
Month/Day

Signature of Superintendent or Designee _____

Unit Location _____

DISTRIBUTION: SEE REVERSE SIDE

**N. C. DEPARTMENT OF CORRECTION
ACCESS TO LEGAL MATERIALS AND LAW LIBRARY**

Jerry W. Dickey FELON ☐ MISD ☒
Inmate's Name 11260-IL FROM Warrenton 4270
DOC Number Name of Unit

TO HEREBY REQUEST:

☒ **COPIES OF THE FOLLOWING LEGAL MATERIALS:**

{Notoriety Seal on All # The Copies} 3 copies of Form 42-U.S.C. SEC 1983} 3 copies of Supporting Documentation Order DC12 } 3 copies of Central {Hosp} Summary

☐

USE OF THE LAW LIBRARY

My On-Duty Hours are _____ A.M./P.M. TO _____ A.M./P.M.
Please take into consideration the following factors in scheduling my appointment (include estimated time needed): _____

LEGAL DEADLINE

To be completed only if you have a legal deadline and want to be placed on the priority list with other inmates who have a legal deadline.

a. Purpose for use of library (type of case): _____

b. Reason for deadline: _____

c. Date of the deadline: _____

YOU MAY REQUEST THE COURT TO GRANT YOU AN EXTENSION OF TIME SINCE THE DIVISION OF PRISONS CANNOT PROMISE IMMEDIATE USE OF THE LAW LIBRARY DUE TO THE NUMBER OF OTHER INMATES WHO MAY BE ON THE PRIORITY LIST TO USE THE LAW LIBRARY FACILITIES.

INMATE'S SIGNATURE /S/ _____ Jerry W. Dickey

DATE 4/11/85 TIME 9:00 P.M.

FOR USE BY THE INMATE'S SUPERINTENDENT

Comments (set forth any adjustments to the request; include referrals to any disciplinary or classification action committee) _____ Copies given to inmate on 4/15/85

Inmate to be advised that additional copies of 42-U.S.C. Sec. 1983 may be obtained by filling out form DC-223 for use of Law Library.

APPROVED CATEGORY I ☐

CATEGORY II ☒ (Illegible) 4/15/85 9:00 AM
Signature of Superintendent or Designee Date Time

FOR USE BY THE SUPERINTENDENT WITH LIBRARY

THE ABOVE NAMED INMATE HAS BEEN:

☐ MAILED A COPY OF THE REQUESTED MATERIAL ON _____ Date

☐ SCHEDULED FOR USE OF THE LAW LIBRARY BETWEEN _____ Date
THE HOURS OF _____ A.M./P.M. TO _____ A.M./P.M. ON _____ 19 _____
Month/Day

Signature of Superintendent or Designee

Unit Location

DISTRIBUTION: SEE REVERSE SIDE

**N. C. DEPARTMENT OF CORRECTION
ACCESS TO LEGAL MATERIALS AND LAW LIBRARY**

James Stephens 21252-05 FROM FELON ☐ MISD ☒
Inmate's Name DOC Number Warren County Name of Unit

TO HEREBY REQUEST:

☒ COPIES OF THE FOLLOWING LEGAL MATERIALS:
(4) Four Copies of the attach letter.

☐ USE OF THE LAW LIBRARY
My On-Duty Hours are _____ A.M./P.M. TO _____ A.M./P.M.
Please take into consideration the following factors in scheduling my
appointment (include estimated time needed): _____

LEGAL DEADLINE

To be completed only if you have a legal deadline and want to be placed on the
priority list with other inmates who have a legal deadline.

- a. Purpose for use of library (type of case): _____
b. Reason for deadline: _____
c. Date of the deadline: _____

YOU MAY REQUEST THE COURT TO GRANT YOU AN EXTENSION
OF TIME SINCE THE DIVISION OF PRISONS CANNOT PROMISE
IMMEDIATE USE OF THE LAW LIBRARY DUE TO THE NUMBER
OF OTHER INMATES WHO MAY BE ON THE PRIORITY LIST TO
USE THE LAW LIBRARY FACILITIES.

INMATE'S SIGNATURE /S/ James J. Stephens
DATE 4/15/85 TIME 11:15 AM

FOR USE BY THE INMATE'S SUPERINTENDENT

Comments (set forth any adjustments to the request; include referrals to any
disciplinary or classification action committee) Copies Given to inmate
on 4/17/85

APPROVED CATEGORY I ☐
CATEGORY II ☒ /S/ (Illegible) 4/16/85 9:00 AM
Signature of Superintendent or Designee Date Time

FOR USE BY THE SUPERINTENDENT WITH LIBRARY

THE ABOVE NAMED INMATE HAS BEEN:

- ☐ MAILED A COPY OF THE REQUESTED MATERIAL ON _____ Date
☐ SCHEDULED FOR USE OF THE LAW LIBRARY BETWEEN
THE HOURS OF _____ A.M./P.M. TO _____ A.M./P.M. ON _____ 19 _____
Month/Day

Signature of Superintendent or Designee Unit Location

DISTRIBUTION: SEE REVERSE SIDE

N. C. DEPARTMENT OF CORRECTION

ACCESS TO LEGAL MATERIALS AND LAW LIBRARY

Bobby Lee Lewis
Inmate's Name
20965-32
DOC Number
FROM Warren Co.-4270
Name of Unit
FELON ☒ MISD ☐

TO HEREBY REQUEST:

☒ COPIES OF THE FOLLOWING LEGAL MATERIALS:

My commitment papers from Durham Co.

☐

USE OF THE LAW LIBRARY

My On-Duty Hours are _____ A.M./P.M. TO _____ A.M./P.M.
Please take into consideration the following factors in scheduling my appointment (include estimated time needed): _____

LEGAL DEADLINE

To be completed only if you have a legal deadline and want to be placed on the priority list with other inmates who have a legal deadline.

a. Purpose for use of library (type of case): _____

b. Reason for deadline: _____

c. Date of the deadline: _____

YOU MAY REQUEST THE COURT TO GRANT YOU AN EXTENSION OF TIME SINCE THE DIVISION OF PRISONS CANNOT PROMISE IMMEDIATE USE OF THE LAW LIBRARY DUE TO THE NUMBER OF OTHER INMATES WHO MAY BE ON THE PRIORITY LIST TO USE THE LAW LIBRARY FACILITIES.

INMATE'S SIGNATURE /S/ Bobby Lee Lewis

DATE 4/18/85 TIME 2:30 p.m.

FOR USE BY THE INMATE'S SUPERINTENDENT

Comments (set forth any adjustments to the request; include referrals to any disciplinary or classification action committee) Copies given to Lewis on 4/22/85

APPROVED CATEGORY I ☐

CATEGORY II ☒ /S/ (Illegible) 4/22/85 9:00 AM
Signature of Superintendent or Designee Date Time

FOR USE BY THE SUPERINTENDENT WITH LIBRARY

THE ABOVE NAMED INMATE HAS BEEN:

☐ MAILED A COPY OF THE REQUESTED MATERIAL ON _____

☐ SCHEDULED FOR USE OF THE LAW LIBRARY BETWEEN THE HOURS OF _____

_____ A.M./P.M. TO _____ A.M./P.M. ON _____ 19 _____
Month/Day

Signature of Superintendent or Designee

Unit Location

DISTRIBUTION: SEE REVERSE SIDE

N. C. DEPARTMENT OF CORRECTION
ACCESS TO LEGAL MATERIALS AND LAW LIBRARY

James Jerome Stephens, FELON ☒ MISD ☐
Inmate's Name 21252-05 FROM Warren Co.
DOC Number Name of Unit

TO HEREBY REQUEST:

- ☒ COPIES OF THE FOLLOWING LEGAL MATERIALS:
I would like (3) three copies of the attached form made.

☐

USE OF THE LAW LIBRARY

My On-Duty Hours are A.M./P.M. TO A.M./P.M.
Please take into consideration the following factors in scheduling my appointment (include estimated time needed):

LEGAL DEADLINE

To be completed only if you have a legal deadline and want to be placed on the priority list with other inmates who have a legal deadline.

- a. Purpose for use of library (type of case):
b. Reason for deadline:
c. Date of the deadline:

YOU MAY REQUEST THE COURT TO GRANT YOU AN EXTENSION OF TIME SINCE THE DIVISION OF PRISONS CANNOT PROMISE IMMEDIATE USE OF THE LAW LIBRARY DUE TO THE NUMBER OF OTHER INMATES WHO MAY BE ON THE PRIORITY LIST TO USE THE LAW LIBRARY FACILITIES.

INMATE'S SIGNATURE /S/ James J. Stephens

DATE 4-22-85 TIME 5:00 PM

FOR USE BY THE INMATE'S SUPERINTENDENT

Comments (set forth any adjustments to the request; include referrals to any disciplinary or classification action committee) One copy made and given to inmate on 4-23-85.

APPROVED CATEGORY I ☐

CATEGORY II ☒ /S/ (Illegible) 4-23-85 8:20 AM
Signature of Superintendent or Designee Date Time

FOR USE BY THE SUPERINTENDENT WITH LIBRARY

THE ABOVE NAMED INMATE HAS BEEN:

- ☐ MAILED A COPY OF THE REQUESTED MATERIAL ON Date
☐ SCHEDULED FOR USE OF THE LAW LIBRARY BETWEEN THE HOURS OF
A.M./P.M. TO A.M./P.M. ON 19
Month/Day

Signature of Superintendent or Designee

Unit Location

DISTRIBUTION: SEE REVERSE SIDE

**N. C. DEPARTMENT OF CORRECTION
ACCESS TO LEGAL MATERIALS AND LAW LIBRARY**

Jerry W. Dickey FELON ☐ MISD ☒
Inmate's Name 11260-1L FROM Warrenton 4270
DOC Number Name of Unit

TO HEREBY REQUEST:

- ☒ COPIES OF THE FOLLOWING LEGAL MATERIALS:
Outpatient Clinic Summary) Form NO-115 Central (HOSP)

☐

USE OF THE LAW LIBRARY

My On-Duty Hours are _____ A.M./P.M. TO _____ A.M./P.M.
Please take into consideration the following factors in scheduling my
appointment (include estimated time needed): _____

LEGAL DEADLINE

To be completed only if you have a legal deadline and want to be placed on the
priority list with other inmates who have a legal deadline.

- a. Purpose for use of library (type of case): _____
b. Reason for deadline: _____
c. Date of the deadline: _____

YOU MAY REQUEST THE COURT TO GRANT YOU AN EXTENSION
OF TIME SINCE THE DIVISION OF PRISONS CANNOT PROMISE
IMMEDIATE USE OF THE LAW LIBRARY DUE TO THE NUMBER
OF OTHER INMATES WHO MAY BE ON THE PRIORITY LIST TO
USE THE LAW LIBRARY FACILITIES.

INMATE'S SIGNATURE /S/ Jerry W. Dickey
DATE _____ TIME _____

FOR USE BY THE INMATE'S SUPERINTENDENT

Comments (set forth any adjustments to the request; include referrals to any
disciplinary or classification action committee) _____ Copies given to inmate
4/4/85

APPROVED CATEGORY I ☐

CATEGORY II ☒ /S/ (Illegible) 4/4/85 8:35 AM
Signature of Superintendent or Designee Date Time

FOR USE BY THE SUPERINTENDENT WITH LIBRARY

THE ABOVE NAMED INMATE HAS BEEN:

- ☐ MAILED A COPY OF THE REQUESTED MATERIAL ON _____ Date
☐ SCHEDULED FOR USE OF THE LAW LIBRARY BETWEEN
THE HOURS OF _____ A.M./P.M. TO _____ A.M./P.M. ON _____ 19 _____
Month/Day

Signature of Superintendent or Designee

Unit Location

DISTRIBUTION: SEE REVERSE SIDE

N. C. DEPARTMENT OF CORRECTION ACCESS TO LEGAL MATERIALS AND LAW LIBRARY

Vertis Randolph _____ FELON ☐ MISD ☐
 Inmate's Name _____ 2103833 FROM _____ Warrenton
 DOC Number _____ Name of Unit _____

TO HEREBY REQUEST:

☒ COPIES OF THE FOLLOWING LEGAL MATERIALS:
 3 copies of reference correspondence and 3 copies of Certificate of
 Special Parole—Also 5 copies of 42 U.S.C. §1983's

☐ USE OF THE LAW LIBRARY

My On-Duty Hours are N/A A.M./P.M. TO _____ A.M./P.M.
 Please take into consideration the following factors in scheduling my
 appointment (include estimated time needed): _____

LEGAL DEADLINE

To be completed only if you have a legal deadline and want to be placed on the
 priority list with other inmates who have a legal deadline.

a. Purpose for use of library (type of case): _____

b. Reason for deadline: _____

c. Date of the deadline: _____
 YOU MAY REQUEST THE COURT TO GRANT YOU AN EXTENSION
 OF TIME SINCE THE DIVISION OF PRISONS CANNOT PROMISE
 IMMEDIATE USE OF THE LAW LIBRARY DUE TO THE NUMBER
 OF OTHER INMATES WHO MAY BE ON THE PRIORITY LIST TO
 USE THE LAW LIBRARY FACILITIES.

INMATE'S SIGNATURE /S/ Vertis Randolph
 DATE 3/2/85 TIME 10:00 A.M.

FOR USE BY THE INMATE'S SUPERINTENDENT

Comments (set forth any adjustments to the request; include referrals to any
 disciplinary or classification action committee) _____ Copies only _____

APPROVED CATEGORY I ☐
 CATEGORY II ☐

Signature of Superintendent or Designee _____ Date _____ Time _____

FOR USE BY THE SUPERINTENDENT WITH LIBRARY

THE ABOVE NAMED INMATE HAS BEEN:

☐ MAILED A COPY OF THE REQUESTED MATERIAL ON _____ Date _____

☐ SCHEDULED FOR USE OF THE LAW LIBRARY BETWEEN
 THE HOURS OF _____

_____ A.M./P.M. TO _____ A.M./P.M. ON _____ 19 _____
 Month _____ Day _____

Signature of Superintendent or Designee _____

Unit Location _____

DISTRIBUTION: SEE REVERSE SIDE

EXHIBIT GGGGG

Western Correctional Center
PHOTOCOPY LOG

(No Fees May
be charged)

Resident's Name	Date	# of copies	Free	"Amount collected"
Marshall Smith	8-10-82	1 p	✓	
Dominic Allen	10-3-83	1 p	✓	
Gary Oxendine	12-21-84	3 p	✓	
Randall Porter	1-11-85	7 p	✓	
David Crews	1-17-85	5 p	✓	
Lawrence McDaniel	2-8-85	5 p	✓	
Mark Riddle	3-21-85	22 p	✓	
Robert Pitchford	4-25-85	12 p	✓	
David Rogers	4-30-85	14 p	✓	
Melvin Bass	5-19-85	9 p	✓	
Anthony Hisley	5-22-85	16 p	✓	
Terry Morris	5-22-85	10 p	✓	

APPENDIX U
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

ROBERT (BOBBY) SMITH, et al.,)		
<i>Plaintiffs</i>)		
VS.)		NO. 3052 CIVIL
	)	RALEIGH DIVISION
VERNON LEE BOUNDS, et al.,)		
<i>Defendants</i>)		

DONALD W. MORGAN, et al.,)		
<i>Plaintiffs</i>)		
VS.)		NO. 4277 CIVIL
	)	RALEIGH DIVISION
R. L. TURNER,)		
<i>Defendant</i>)		

JOHN HARRINGTON, et al.,)		
<i>Plaintiffs</i>)		
VS.)		NO. 790 CIVIL
	)	WASHINGTON
	)	DIVISION
JAMES HOLSHOUSER, et al.,)		
<i>Defendants</i>)		

ORDER

Before the court at this time is defendants' motion for reconsideration of this court's order of May 14, 1985 directing the defendants to submit a plan providing inmates with some form of assistance of counsel. Defendants have filed this motion pursuant to Rule 60(b), F.R.Civ.P. Although defendants do not cite which subsection of Rule 60(b) they wish to proceed under, it appears from the general tenor of their memorandum that they contend that the judgment should be reconsidered based on excusable neglect pursuant to Subsec-

tion 1 of that rule.¹ Defendants argue that the affidavits and other materials attached to their memorandum show that they were in compliance with their plan to provide inmates adequate law library facilities, but due to the failure of their attorney to collect and file these materials pursuant to the court's order of December 21, 1984, they were found not to have complied. They now seek an order reversing the court's prior decision and finding instead, that they have met their constitutional obligation to provide inmates with adequate access to the courts.

This motion will be denied. While the materials attached to defendants' motion do indicate that the state was making efforts to comply with its plan, they have failed to show that counsel's neglect in ignoring this court's order of December 21, 1984 was excusable. In the affidavits submitted by Attorney General Thornburg, by Assistant Attorney General Safron, who has been supervising the case over the last ten years, and by other employees of the Attorney General's office and the Department of Correction defendants give no reasons as to why Safron's failure to comply with the court's order was excusable.

With respect to his supervision over this case, Attorney General Thornburg states in his affidavit that "[a]lthough all of my staff attorneys are under my supervision, almost none of them are under my direct supervision, and obviously I am unable to supervise every case each of them handles in their representation of the State of North Carolina." This is certainly understandable, and the court has never assumed that the Attorney General or his predecessors in office would have personal knowledge of the innumerable orders which have issued in this case. The fact remains, however, that throughout the course of this litigation the state has failed to comply with a number of this court's orders. In their memorandum opposing defendants' motion, plaintiffs cite eleven other instances where defendants failed to respond to

¹The motion may also be construed pursuant to Rule 60(b)(6) which permits reconsideration for "any other reason justifying relief from the operation of the judgement." At any rate, the same analysis would apply to either subsection.

the court's orders. The state's failure to comply with the December, 1984 order was quite simply the straw that broke the camel's back and showed that the state has been unwilling or unable to comply with a plan submitted and approved more than ten years ago.

To bring themselves within Rule 60(b), the defendants must make a showing of timeliness, a meritorious defense, a lack of unfair prejudice to the opposing party, and exceptional circumstances. *Horner v. Carbo*, 731 F.2d 204, 206-207 (4th Cir. 1984). Defendants' motion is timely, and they have presented quite a bit of evidence regarding their claim of a meritorious defense. However, assuming *arguendo* that reconsideration of the court's prior order would not result in unfair prejudice to the plaintiffs, defendants have totally failed to show exceptional circumstances in this case. Courts have consistently refused to relieve parties of the burdens of a final judgment due to mistakes or omissions of their attorneys, and the carelessness of an attorney is not generally cognizable under Rule 60(b)(1). *United States v. Cirami*, 535 F.2d 736, 739 (2d Cir. 1976); *Cline v. Hoogland*, 518 F.2d 776, 778 (8th Cir. 1975); *Wood v. Kling*, 98 F.R.D. 319 (E.D.Va. 1983).

Furthermore, as stated before, defendants' failure to respond to the December 21, 1984 order was not an isolated incident. Clearly, defendants knew or should have known that counsel had a history of failing to respond to the court's orders. Thus, the case cited by defendants in which the court ruled that an assistant attorney general's failure to represent the state's interest in federal proceedings constituted excusable neglect is factually distinguishable from this case. *See Naples v. Maxwell*, 368 F.2d 219 (6th Cir. 1966); *cert. denied*, 386 U.S. 971 (1967). Indeed, Department of Correction employees could have complained to the Attorney General at any time if they felt that Mr. Safron was not adequately supervising their case.

Accordingly, for the reasons set out herein, defendants' motion for reconsideration of the court's order of May 14, 1985 is denied. Defendants will have thirty days from the date of this order to submit their plan for providing inmates with the

assistance of counsel in a constitutionally adequate manner.
SO ORDERED.

/S/_____
F. T. DUPREE, JR.
UNITED STATES
DISTRICT JUDGE

July 29, 1985.

I certify the foregoing to be a
true and correct copy of the
original.

J. Rich Leonard, Clerk
United States District
Court
Eastern District of North
Carolina

/S/By LoRita K. Pinnix
Deputy Clerk

APPENDIX V

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA

ROBERT (BOBBY) SMITH, et al.,)

Plaintiffs)

VS.)

NO. 3052 CIVIL
RALEIGH DIVISION

VERNON LEE BOUNDS, et al.,)

Defendants)

DONALD W. MORGAN, et al.,)

Plaintiffs)

VS.)

NO. 4277 CIVIL
RALEIGH DIVISION

R. L. TURNER,)

Defendant)

JOHN HARRINGTON, et al.,)

Plaintiffs)

VS.)

NO. 790 CIVIL
WASHINGTON
DIVISION

JAMES HOLSHOUSER, et al.,)

Defendants)

AFFIDAVIT

I, AARON J. JOHNSON, being first duly sworn, do hereby depose and say:

That I am employed as Secretary of the North Carolina Department of Correction. My office is located in Raleigh, North Carolina. In my role as Secretary, I am the Chief Executive Officer of the Department of Correction. I assumed my role as Secretary of Correction on January 5, 1985. Prior to this date, I was the pastor of the Mt. Sinai Baptist Church in

Fayetteville, North Carolina. I was not employed by the Department of Correction prior to January 5, 1985.

When I became Secretary of Correction, I knew that Special Deputy Attorney General Jacob L. Safron had an excellent reputation. I understood that he had a history of competent representation of the Department in lawsuits brought against the Department. It was brought to my attention that he was the foremost authority on correctional law in this state. Therefore, I had no reason to question his work or his handling of this case.

In conclusion, I did not know or have a reason to believe that the court's orders in this case had not been responded to in a timely manner.

This the 9 day of August, 1985.

/S/ Aaron J. Johnson

Affiant

Sworn to and subscribed
before me this the 9 day of
August, 1985.

/S/ Lillie M. Grissom

Notary Public

My Commission Expires:

9-25-88

That I am employed by the North Carolina Department of Correction as Executive Administrative Assistant to the Secretary of Correction. In this capacity, I serve as Chief Legal Advisor to the Secretary. I began working in this position on April 1, 1982. In my position, I and members of my staff have assisted Special Deputy Attorney General Jacob L. Safron in this case. The first assistance provided by me was

the transmission of a voluminous amount of information needed to respond to a "Motion to Compel Compliance" prepared by counsel for the plaintiffs in this case. After this information was provided, members of the Division of Prisons staff appeared at a hearing on the Motion. According to my files, my first communication with Mr. Safron following the transmission of the information was a memorandum dated April 20, 1983, in which Mr. Safron informed me that the court had dismissed this lawsuit and that the plaintiffs had appealed. My next communication with Mr. Safron was when I received a memorandum from him dated February 9, 1984. In that memorandum, he informed me that he had appeared before the Fourth Circuit to argue the merits of plaintiffs' appeal in this case on February 7, 1984. He stated in the memorandum that the court had expressed concerns about the legal training provided to law libraries staff and inmate paralegals. I urged the Division of Prisons to assemble information regarding training. On or about August 16, 1984, I learned that the Fourth Circuit had vacated the order of the lower court and remanded this case for further proceedings. On that same date, I again informed those in charge of the law libraries to prepare for further hearings.

According to my files, I received no communication from Mr. Safron from August 16, 1984 until the order of this court dated December 21, 1984. The December 21, 1984 order required that the Department of Correction provide specific information regarding law library training, access to photocopying equipment, and access to law libraries for inmates. The order stated that this information must be provided within thirty days. When I received this order, I directed an attorney on my staff, Barbara A. Shaw, to work with Mr. Safron to develop the information requested. Sometime later, Ms. Shaw reported to me that she had developed the information but that when she contacted Mr. Safron, he delayed discussion of the matter. On one occasion, I called Mr. Safron and informed him that Ms. Shaw had prepared the information necessary to respond to the court's order. Mr. Safron informed me that he would let me or Ms. Shaw know when the material was needed. I heard nothing further from Mr. Safron regarding this

matter until after I received this court's order of May 14, 1985. On or about May 14, 1985, Mr. Safron called me and told me that the court had mandated that the department devise a new plan for providing access to the courts which included providing legal counsel to inmates. He also told me at that time that he had failed to meet certain deadlines set by the court.

I read the order of December 21, 1984 in which the court indicated that Mr. Safron had failed to respond to certain motions. Further the Fourth Circuit opinion dated August 14, 1984 indicated that important evidence had not been included in the Record on Appeal. I had read those orders. Nevertheless, I thought that the Department of Correction was receiving adequate representation in these cases. I did ask Mr. Safron about the deficiencies pointed out in the court orders of August 14, 1984 and December 21, 1984. I knew however, that these deficiencies could be corrected. There was no reason to pursue the matter further.

Mr. Safron has an excellent reputation and had taught me a good deal of what I know about correctional law. I have known Mr. Safron for approximately eleven years. I consulted him regularly from September 1974 to September 1976 when I was drafting regulations for the Department of Correction. In 1976, Mr. Safron hired me to work for him as a staff attorney at the Attorney General's Office. I learned from his writing and from assisting him in the District Courts, the Fourth Circuit Court of Appeals, and the United States Supreme Court. He was and still is considered the foremost authority on correctional law in this state. During the time from September 1976 until April 1982 when I worked for Mr. Safron in the Attorney General's Office, I observed that he worked long hours and that he did not leave work undone. I believed that he was doing his best for the department in this case, because he had always done excellent work for the department.

In my position as legal advisor to the Secretary of Correction, I have many responsibilities. I provide legal advice concerning all significant legal matters and recommended personnel actions. I also draft and review contracts and documents

relevant to property transactions. I prepare legislation for the department and serve as the department's chief lobbyist for bills involving nonfiscal matters. I am responsible for development of legal training for the department and for the development of policies and procedures. My position is demanding, and I simply do not have time to look over Mr. Safron's shoulder to make sure he and his staff are carrying out their responsibilities. I have to depend on Mr. Safron, and I do depend on him, because he has always been reliable. I sincerely believed that Mr. Safron had provided adequate legal representation to the Department of Correction in this case until I received this court's order of May 14, 1985.

This the 9th day of August, 1985.

/S/ Ben G. Irons II

Affiant

Sworn to and subscribed
before me this the 9th day of
August, 1985.

/S/ Lillie M. Grissom

Notary Public

My Commission Expires:

9-25-88

APPENDIX X

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA

ROBERT (BOBBY) SMITH, et al.,)	
<i>Plaintiffs</i>)	
	)	NO. 3052 CIVIL
VS.	)	RALEIGH DIVISION
)	
VERNON LEE BOUNDS, et al.,)	
<i>Defendants</i>)	

DONALD W. MORGAN, et al.,)	
<i>Plaintiffs</i>)	
	)	NO. 4277 CIVIL
VS.	)	RALEIGH DIVISION
)	
R. L. TURNER,)	
<i>Defendant</i>)	

JOHN HARRINGTON, et al.,)	
<i>Plaintiffs</i>)	
	)	NO. 790 CIVIL
VS.	)	WASHINGTON
	)	DIVISION
JAMES HOLSHOUSER, et al.,)	
<i>Defendants</i>)	

DEFENDANTS' RENEWED MOTION FOR RECONSIDERATION (F.R.Civ.P., Rule 60(b)(6))

NOW COME the defendants, by Lacy H. Thornburg, Attorney General of the State of North Carolina, Andrew A. Vanore, Jr., Chief Deputy Attorney General, and Sylvia Thibaut, Associate Attorney General, who move the Court pursuant to the Federal Rules of Civil Procedure, Rule 60(b)(6), to reconsider its Order entered May 14, 1985

directing the defendants to come forward with a plan providing attorney assistance to inmates, in light of the reversal of *Hooks v. Wainwright*, 536 F.Supp. 1330 (M.D.Fla. 1982), reversed, 775 F.2d 1433 (11th Cir. 1985), upon which the court based a great deal of its Order. This Motion is accompanied by a Memorandum of Law, which is incorporated by reference and to which the Court is respectfully referred.

**MEMORANDUM IN SUPPORT OF RENEWED MOTION
FOR RECONSIDERATION
F.R.Civ.P., Rule 60(b)(6)**

The defendants have moved the Court, pursuant to the Federal Rules of Civil Procedure, Rule 60(b)(6), to reconsider its Order of May 14, 1985 to come forward with a plan to provide attorney assistance to inmate litigants in lieu of the present law library plan. This motion is made in light of the reversal, on appeal to the Eleventh Circuit, of *Hooks v. Wainwright*, *supra*. In the *Hooks* case, the District Court found that Florida's proposed plan to provide law libraries to its inmates rather than attorney assistance was inadequate, principally because of the high level of illiteracy (more than half) among the inmates housed in the Florida Prison System. *Hooks v. Wainwright*, 536 F.Supp. at 1337. The Florida District Court concluded that "meaningful access" to the courts could only be realized through a plan incorporating attorney assistance. *Id.* at 1349.

Reversing the District Court's interpretation of "meaningful access" as "too expansive," the Eleventh Circuit Court of Appeals held that the Supreme Court does not require mandatory provision of legal services to inmates. *Id.*, 775 F.2d at _____. The Eleventh Circuit reiterated the *Bounds* requirement: "access to the courts may be provided in whatever manner the State desires." *Id.*, citing *Bounds v. Smith*, 430 U.S. 817, 52 L.Ed. 2d 72, 97 S.Ct. 1491 (1977).

The Eleventh Circuit Court of Appeals, although noting the "plight of prisoners and their difficulty in getting proper legal help," pointed out that their plight is no sadder than that of

free indigent citizens.

But prisoners are not alone in that situation. Vast numbers of the unimprisoned, both convicted and unconvicted, can make a similar case for the need of legal counsel, but to date no constitutional obligation of the State to provide that help has been articulated. There is no indication that Bounds intended to take that giant step.

Id. at 537. See also *Cepulonis v. Fair*, 732 F.2d 1, 6 (1st Cir. 1984); *Harrington v. Holshouser*, 741 F.2d 66, 70 (4th Cir. 1984).

The Federal Courts in this Circuit have realized that not every action filed by an inmate needs the guiding hand of counsel, as illustrated by the not infrequent denial of requests for appointment of counsel made by inmate plaintiffs. See also *Storseth v. Spellman*, 654 F.2d 1349, 1353 (9th Cir. 1981). As was stated so succinctly by the Eleventh Circuit along this same line of reasoning,

If an individual prisoner is not constitutionally entitled to an attorney, even after filing a complaint in court, there is no rational basis upon which to decide that all prisoners are entitled to counsel for the purpose of considering, filing and pursuing similar claims.

Id. at 539.

The issue then is not whether writ writers, even with available library facilities, can represent inmates as effectively as lawyers. Surely they cannot. The issue is whether *meaningful* access has been provided to the North Carolina inmates through the court approved law library plan.¹ Meaningful access is provided if a prisoner is given a "reasonably

¹The Court can take judicial notice that all inmate lawsuits that have been filed in North Carolina concerning a denial of access to the courts since the inception of the case *sub judice* have been held to be meritless with the single exception of *Ganey v. Edwards*, No. 84-6156 (4th Cir. Apr. 2, 1985) (published), in which this court granted defendants' Motion Notwithstanding the Verdict subsequent to a jury verdict of denial of access. See footnote 8 of defendants' original Motion for Reconsideration for a listing of the majority of these cases.

adequate opportunity to present claimed violations of fundamental constitutional rights to the Court." *Bounds v. Smith*, 430 U.S. at 825, 52 L.Ed.2d at 81. If the cause of an inmate's inability to prepare a legally sophisticated court petition is not an affirmative prohibition by prison officials or the lack of access to materials due to incarceration, but due to the inmate's own deficiencies in education or legal knowledge, the State is not constitutionally required to pay for attorneys to ameliorate this deficiency. The District Court in *Hooks* attempted to decide the issue of meaningful access without allowing the State of Florida to demonstrate whether or not its proposed law library plan would provide meaningful access to its inmates. The Court in the case at bar, similarly, has decided the meaningful access issue without giving the defendants a chance to demonstrate that they are in compliance with their law library plan and that it does provide meaningful access to the courts for the North Carolina inmates. The issue, again, is meaningful access. That issue is being side-stepped by overlooking the defendants' documentation that they are in fact in compliance with their plan and are providing meaningful access to the North Carolina inmates.

In summary, the defendants pray that the Court will reconsider its previous position in light of the reversal of *Hooks v. Wainwright*. The defendants have placed on record documentation which demonstrates that they are in compliance with their court approved law library plan. It was through no fault of the defendants that their documentation was not given to the court in a timely manner. They fall squarely within the framework of the case of *New York State Health Association, Inc. v. Carey*, 76 F.R.D. 128 (S.D.N.Y. 1977).

Should the Court conclude, after reviewing the documentation provided to it by the defendants, that the defendants in fact are not in compliance with their chosen plan to provide prisoners access to the courts, then the Court could, of course, require that the defendants immediately comply with their plan. The defendants believe, however, that they are in compliance and stand ready to correct any failure to comply that the Court might foresee.

Although the defendants, through their Motion, respectfully request that this Court reconsider the drastic sanction ordered against them, they are, simultaneously with this Motion, submitting their plan for attorney assistance as ordered.

This the 9th day of December, 1985.

LACY H. THORNBURG
Attorney General

/S/Andrew A. Vanore, Jr.
Chief Deputy Attorney
General

/S/Sylvia Thibaut
Associate Attorney General
N.C. Department of Justice
Post Office Box 629
Raleigh, North Carolina,
27602
Telephone: (919) 733-7387
ATTORNEYS FOR
DEFENDANTS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served a copy of the foregoing documents, Defendants' Renewed Motion for Reconsideration (F.R.Civ.P., Rule 60(b)(6)) and Memorandum in Support of Defendants' Renewed Motion for Reconsideration, by depositing same in the United States Mail, postage prepaid, addressed to:

Mr. Barry Nakell
Professor of Law
The University of North Carolina
at Chapel Hill
Van Hecke-Wettach Hall 064A
Chapel Hill, North Carolina 27514

This the 9th day of December, 1985.

/S/_____
Sylvia Thibaut
Associate Attorney General

APPENDIX Y

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

ROBERT (BOBBY) SMITH, et al.,)
Plaintiffs)

VS.

NO. 3052 CIVIL
RALEIGH DIVISION

VERNON LEE BOUNDS, et al.,)
Defendants)

DONALD W. MORGAN, et al.,)
Plaintiffs)

VS.

NO. 4277 CIVIL
RALEIGH DIVISION

R. L. TURNER,)
Defendant)

JOHN HARRINGTON, et al.,)
Plaintiffs)

VS.

NO. 790 CIVIL
WASHINGTON
DIVISION

JAMES HOLSHOUSER, et al.,)
Defendants)

ORDER

Before the court at this time is defendants' renewed motion for reconsideration of the court's order of May 14, 1985 directing the state to submit a plan providing inmates with some form of assistance of counsel. For the reasons set out in the court's order of July 29, 1985, this motion will be denied.

/S/_____
F. T. DUPREE, JR.
UNITED STATES
DISTRICT JUDGE

SO ORDERED.

I certify the foregoing to be
a true and correct copy of
the original.

J. Rich Leonard, Clerk
United States District
Court
Eastern District of North
Carolina

/S/By LoRita K. Pinnix
Deputy Clerk
January 13, 1986.

APPENDIX Z

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA

ROBERT (BOBBY) SMITH, et al.,)	
<i>Plaintiffs</i>)	
)	
VS.	)	NO. 3052 CIVIL
	)	RALEIGH DIVISION
)	
VERNON LEE BOUNDS, et al.,)	
<i>Defendants</i>)	

DONALD W. MORGAN, et al.,)	
<i>Plaintiffs</i>)	
)	
VS.	)	NO. 4277 CIVIL
	)	RALEIGH DIVISION
)	
R. L. TURNER,)	
<i>Defendant</i>)	

JOHN HARRINGTON, et al.,)	
<i>Plaintiffs</i>)	
)	
VS.	)	NO. 790 CIVIL
	)	WASHINGTON
	)	DIVISION
)	
JAMES HOLSHOUSER, et al.,)	
<i>Defendants</i>)	

DEFENDANTS' RENEWED MOTION FOR RECONSIDERATION (Federal Rules of Civil Procedure, Rule 60(b)(6))

NOW COME the defendants, by Lacy H. Thornburg, Attorney General of the State of North Carolina, Andrew A. Vanore, Jr., Chief Deputy Attorney General, and Sylvia Thibaut, Assistant Attorney General, who move the Court, pursuant to the Federal Rules of Civil Procedure, Rule 60(b)(6), to reconsider its Order entered May 14, 1985

directing the defendants to come forward with a plan providing attorney assistance to inmates. The defendants first assure the Court that they are proceeding in good faith to discuss a mutually agreeable plan with the plaintiffs. However, the defendants continue to believe that such a plan is not necessary in the case at bar for the reasons set out in the accompanying Memorandum of Law, which is incorporated by reference and to which the Court is respectfully referred.

This the 13th day of February, 1986.

LACY H. THORNBURG
Attorney General

/S/Andrew A. Vanore, Jr.
Chief Deputy Attorney
General

/S/Sylvia Thibaut
Assistant Attorney General
N.C. Department of Justice
Post Office Box 629
Raleigh, North Carolina
27602
Telephone: (919) 733-7387
ATTORNEYS FOR
DEFENDANTS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served a copy of the foregoing document, Defendants' Renewed Motion for Reconsideration (Federal Rules of Civil Procedure, Rule 60(b)(6)) and Memorandum in Support of Defendants' Renewed Motion for Reconsideration upon plaintiffs' counsel, by depositing same in the United States Mail, postage prepaid, addressed to:

Mr. Barry Nakell
Professor of Law
The University of North Carolina
at Chapel Hill
Van Hecke-Wettach Hall 064A
Chapel Hill, North Carolina 27514
This the 13th day of February, 1986.

/S/_____
Sylvia Thibaut
Assistant Attorney General

APPENDIX AA

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA

ROBERT (BOBBY) SMITH, et al., <div style="text-align: right;"><i>Plaintiffs</i></div>)	
VS.	)	NO. 3052 CIVIL
	)	RALEIGH DIVISION
VERNON LEE BOUNDS, et al.,)	
<i>Defendants</i>)	

DONALD W. MORGAN, et al., <div style="text-align: right;"><i>Plaintiffs</i></div>)	
VS.	)	NO. 4277 CIVIL
	)	RALEIGH DIVISION
R. L. TURNER,)	
<i>Defendant</i>)	

JOHN HARRINGTON, et al., <div style="text-align: right;"><i>Plaintiffs</i></div>)	
VS.	)	NO. 790 CIVIL
	)	WASHINGTON
	)	DIVISION
JAMES HOLSHOUSER, et al.,)	
<i>Defendants</i>)	

ORDER

This action is once again before the court on defendants' renewed motion for reconsideration of the court's order of May 14, 1985 directing defendants to provide some form of attorney assistance to North Carolina's inmates. Defendants requested leave to file this motion at a hearing held February 10, 1986 to discuss the parties' respective plans for providing inmates with attorney assistance. The court indicated that it would permit defendants to file their renewed motion, largely because it has raised concerns which the court feels may have not been fully addressed in prior orders.

As the parties well know, this action was not initially assigned to the undersigned. The finding that inmates are constitutionally entitled to either adequately equipped law libraries or the assistance of counsel had been made and affirmed by the Supreme Court before this court ever took jurisdiction over the case. *See Bounds v. Smith*, 430 U.S. 817 (1977). This court has always been troubled by this decision, for it effectively gives convicted criminals more access to the courts than most average citizens who have never committed a crime in their lives and who presumably are entitled to more rights than those criminals. Nevertheless, this court is bound by the Supreme Court's decision and is also bound to insure that defendants' obligation under that decision is carried out.

In support of their motion for reconsideration, defendants raise essentially two grounds. First, they assert that the court's May 14, 1985 decision is in contravention of the Supreme Court's holding that it is the state's right to choose whether it will provide inmates with law libraries or attorneys. Second, defendants assert that given the opportunity, the state could show that it has complied with its plan and has provided inmates with constitutionally adequate law libraries. These contentions will be addressed seriatim.

In the May 14 order, the court discussed extensively the opinion and order of United States District Judge Charles R. Scott in *Hooks v. Wainwright*, 536 F.Supp. 1330 (M.D.Fla. 1982). *Hooks* involved a civil rights action by Florida inmates challenging the adequacy of their access to the courts. As in this case, the litigation meandered through the courts for several years. After the *Bounds* decision came down, the defendants submitted a plan for providing inmates with law libraries. This plan was immediately attacked by plaintiffs, who by that time had obtained the assistance of Florida Institutional Legal Services, Inc. Although the parties attempted to compromise on the issue, their efforts failed, and they consequently requested Judge Scott to enter an appealable order regarding whether the assistance of attorneys, in some form, was an essential ingredient of Florida's attempt to comply with the mandate of *Bounds v. Smith*. For the reasons discussed on pages 14 through 17 of this court's May 14 opinion, Judge Scott found that it was. 536 F.Supp. at 1340-1352.

On appeal, the Eleventh Circuit Court of Appeals reversed Judge Scott's decision, holding that "the district court erred in requiring that *any* Florida library plan, devised to ensure constitutional access to the courts by state inmates, must include a provision for attorney assistance." *Hooks v. Wainwright*, 775 F.2d 1433, 1438 (11th Cir. 1985) (emphasis in original). The court stated that under *Bounds v. Smith*, it was the state's decision whether to provide inmates with law libraries or attorneys. Defendants in this action now argue that based on this recent decision, this court's prior opinion requiring North Carolina to provide its inmates with some form of attorney assistance should be reversed.

However, for the following reasons, the court disagrees. In *Hooks*, the defendants were not given the opportunity to try their proposed plan. Judge Scott held that no law library plan would provide all Florida inmates with adequate access to the courts. Conversely, defendants in this case had their plan approved by a judge of this court more than ten years ago. It was their failure after all those years to properly implement that plan which forced this court to conclude that defendants would not or could not provide inmates adequate access to the courts through the use of law libraries. Although this court cited Judge Scott's opinion extensively in discussing the *preferability* of a plan which provides inmates with the assistance of counsel, the grounds for the court's decision was defendants' own failure to implement their plan. This issue was never reached in *Hooks*. Consequently, this court does not consider the Court of Appeals' decision to be dispositive.

Quite frankly, the undersigned is of the opinion that the May 14, 1985 order is in complete harmony with the Supreme Court's decision in *Bounds v. Smith*. The issue before the court in that case, stated in the first sentence of the opinion, was "whether States must protect the right of prisoners to access to the courts by providing them with law libraries or alternative sources of legal knowledge." 430 U.S. at 817. The Court held that the states did have such an obligation. The question of the adequacy of the state's law library plan was not before the Court, and the Court declined at that time to

require states to include any "particular element" in their plans. 430 U.S. at 832. However, the Court did state that "[a]ny plan . . . must be evaluated as a whole to ascertain its compliance with constitutional standards." *Id.*

During the past ten years since the Supreme Court's opinion in *Bounds v. Smith*, this court has retained jurisdiction over the case to insure that the state met the obligations imposed upon it pursuant to its plan. However, since that time the Court of Appeals has twice held that defendants were not meeting that obligation. After defendants' final failure to respond to the mandate of the Fourth Circuit and to this court's orders, the court was forced to conclude that defendants could not assure inmates adequate access to the courts through its law library plan. The court finds nothing in the Supreme Court's opinion which would prohibit such a finding. Rather, the Supreme Court imposed an affirmative duty on the district courts to evaluate a state's plan to ascertain its compliance with constitutional standards.¹ This is exactly what this court did in the May 14, 1985 opinion, concluding that defendants' failure to properly implement their law library plan rendered that plan constitutionally inadequate and finding that under these circumstances, a plan providing some form of attorney assistance was the only way to assure that the mandate of *Bounds v. Smith* would be met.

In support of their second argument, defendants assert that, given the opportunity, they could show that at the time of the May 14 opinion, they were meeting their constitutional obligations, but due to the failure of Deputy Attorney General

¹Interestingly, two members of the Eleventh Circuit Court of Appeals concluded that this was precisely the issue before the court in *Hooks v. Wainwright*. In their dissent to the decision of the majority denying plaintiffs' petition for rehearing and rehearing en banc, see 781 F.2d at 1550-1551 (11th Cir. 1986), they argued that the issue before them was not whether, given that either law libraries or attorney assistance was constitutionally adequate, the court could require one or the other. Rather, they contended, the question that they were being asked to decide was whether, given that law libraries *failed* to provide meaningful access to a group of illiterate prisoners, the court could require the state to furnish assistance of counsel to that group.

Jacob Safron, the attorney formerly assigned to the case, to respond to the court's prior orders, they were not given the opportunity to show what efforts they had made.

In this latest motion, defendants do not appear to be arguing that the actions of Mr. Safron constituted excusable neglect. Indeed, at the February 10, 1986 hearing, the Chief Deputy Attorney General stated that former counsel's actions were "totally inexcusable." Instead, defendants appear to contend that counsel's actions were an isolated incident which neither the defendants nor counsel's supervisors could have anticipated. *See Naples v. Maxwell*, 368 F.2d 219 (6th Cir. 1966), *cert. denied*, 386 U.S. 971 (1967). Defendants also cite *New York State Health Facilities Association, Inc. v. Carey*, 76 F.R.D. 128 (S.D.N.Y. 1977), in which the district court set aside a default judgment in plaintiff's favor, holding that it would be unfair to the taxpayers of New York to be punished by the negligent actions of the state attorney general's office where they had little or no control over the attorneys involved in the case.

However, this case presents a different set of circumstances. Here, the actions of counsel which precipitated the May 14, 1985 order and opinion were not isolated incidents. As outlined in the court's July 29, 1985 order denying defendants' initial motion for reconsideration, the state had failed eleven other times over the course of this litigation to timely respond to this court's orders. As Judge Sprouse put it in *Harrington v. Holshouser*, 741 F.2d 66, 69 (4th Cir. 1984), "[a] description of the State's efforts . . . is a chronology of failure." Thus, the state's failure to comply with the court's orders cannot be laid solely at Mr. Safron's door.

Furthermore, while the taxpayers of North Carolina may ultimately be responsible for the funding of any new legal assistance plan, the actual defendants in this case are officials of the Department of Correction. Unlike the average citizen, they have been actively involved in this litigation and could have complained to Mr. Safron's superiors had they any concerns about his handling of the case. Thus, the court concludes that defendants must share the responsibility for

counsel's failure to provide the court with sufficient information to determine the adequacy of the law library plan. That being the case, they have failed to set forth sufficient grounds to warrant reversal of the court's May 14, 1985 opinion and order. Accordingly, for the reasons set out herein, their motion for reconsideration of that order is denied.

SO ORDERED.

/S/_____
F. T. DUPREE, JR.
UNITED STATES
DISTRICT JUDGE

March 11, 1986.

I certify the foregoing to be
a true and correct copy of
the original.

J. Rich Leonard, Clerk
United States District
Court
Eastern District of North
Carolina

/S/By LoRita K. Pinnix
Deputy Clerk

of counsel. Defendants are further directed to devise that plan in accordance with the directions set out in the order filed this date. However, implementation of that plan will be stayed pending appellate review of this decision.

/S/_____
F. T. DUPREE, JR.
UNITED STATES
DISTRICT JUDGE

April 10, 1986.

I certify the foregoing to be
a true and correct copy of
the original.

J. Rich Leonard, Clerk
United States District
Court
Eastern District of North
Carolina

/S/By LoRita K. Pinnix
Deputy Clerk

APPENDIX CC

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

ROBERT (BOBBY) SMITH, et al.,)	
<i>Plaintiffs</i>)	
	)	NO. 3052 CIVIL
VS.	)	RALEIGH DIVISION
)	
VERNON LEE BOUNDS, et al.,)	
<i>Defendants</i>)	

DONALD W. MORGAN, et al.,)	
<i>Plaintiffs</i>)	
	)	NO. 4277 CIVIL
VS.	)	RALEIGH DIVISION
)	
R. L. TURNER,)	
<i>Defendant</i>)	

JOHN HARRINGTON, et al.,)	
<i>Plaintiffs</i>)	
	)	NO. 790 CIVIL
VS.	)	WASHINGTON
	)	DIVISION
JAMES HOLSHOUSER, et al.,)	
<i>Defendants</i>)	

NOTICE OF APPEAL

Notice is hereby given that Vernon Lee Bounds, Dr. Stanley Blackledge, R. L. Turner, James Holshouser, F. R. Moore, Franklin L. Mahan and M. S. Lee, defendants above named, hereby appeal to the United States Court of Appeals for the Fourth Circuit from the final judgment ordering that the defendants finance a program providing ten attorneys to give legal assistance to indigent inmates housed with the North Carolina Department of Correction, entered in this action on

the 10th day of April, 1986.

This the 16th day of September, 1986.

LACY H. THORNBURG
Attorney General

/S/Andrew A. Vanore, Jr.
Chief Deputy Attorney
General

/S/Sylvia Thibaut
Assistant Attorney General
N.C. Department of Justice
Post Office Box 629
Raleigh, North Carolina
27602
Telephone: (919) 733-7387
ATTORNEYS FOR
DEFENDANTS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served a copy of the foregoing document, NOTICE OF APPEAL, by depositing same in the United States Mail, postage prepaid, addressed to:

Mr. Barry Nakell
Professor of Law
The University of North Carolina
at Chapel Hill
Van Hecke-Wettach Hall 064A
Chapel Hill, North Carolina 27514

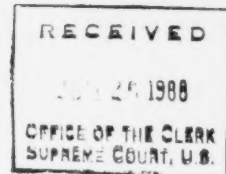
This the 16th day of April, 1986.

/S/_____
Sylvia Thibaut
Assistant Attorney General

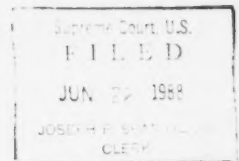
EDITOR'S NOTE

THE FOLLOWING PAGES WERE POOR HARD COPY
AT THE TIME OF FILMING. IF AND WHEN A
BETTER COPY CAN BE OBTAINED, A NEW FICHE
WILL BE ISSUED.

ORIGINAL



NO. 87-1972



IN THE

SUPREME COURT OF THE UNITED STATES

VERNON LEE BOUNDS, et al.,

Petitioners,

v.

ROBERT (BOBBY) SMITH, et al.,

Respondents.

BRIEF IN OPPOSITION TO PETITION
FOR WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

Barry Nakell
School of Law - CB# 3380
University of North Carolina
Chapel Hill, N.C. 27599
(919)-962-4128

Attorney for Respondents

QUESTIONS PRESENTED FOR REVIEW

1. Whether this Court should exercise its certiorari jurisdiction in order to review the concurrent findings of fact by both the District Court and the Court of Appeals that Petitioners share responsibility with their counsel for "a decade-old pattern of neglect and delay" since this Court's decision in this case in Bounds v. Smith, 430 U.S. 817 (1977), and have proven themselves "unable or unwilling to comply with a plan submitted and approved more than ten years ago" in a manner consistent with minimum constitutional requirements.

2. Whether the District Court abused its discretion in denying Petitioners' motions for reconsideration upon a finding, upheld by the Court of Appeals, that Petitioners had not made a sufficient showing of extraordinary circumstances or excusable neglect because they shared responsibility with their attorney for their decade-old pattern of neglect and delay that demonstrated that they were unwilling or unable to implement their plan in a manner consistent with minimum constitutional requirements.

3. Whether a District Court has the equitable authority to order state officials to take additional measures to comply with their constitutional obligation upon a finding, supported by the evidence and upheld by the Court of Appeals, of changed circumstances resulting from the fact that through "a decade-old pattern of neglect and delay" the state officials had proven themselves unwilling or unable to comply in a manner consistent with minimum constitutional requirements with an earlier plan approved by this Court and that the additional measures were necessary in order to assure compliance.

TABLE OF CONTENTS

	<u>Page</u>
QUESTIONS PRESENTED FOR REVIEW	i
TABLE OF CONTENTS	ii
TABLE OF AUTHORITIES	iii
STATEMENT OF THE CASE	1
REASONS FOR DENYING THE WRIT	7
I. THIS COURT SHOULD NOT EXERCISE ITS CERTIORARI JURISDICTION TO REVIEW THE FINDINGS OF FACT CONCURRED IN BY THE DISTRICT COURT AND THE COURT OF APPEALS	7
II. THE COURT SHOULD NOT EXERCISE ITS CERTIORARI JURISDICTION TO REVIEW WHETHER THE DISTRICT COURT ABUSED ITS DISCRETION IN DENYING PETITIONERS' MOTIONS FOR RECONSIDERATION BECAUSE PETITIONERS' POSITION IS BASED ON AN ASSERTED FACTUAL POSITION THAT IS CONTRARY TO THE FINDINGS OF FACT CONCURRED IN BY THE DISTRICT COURT AND THE COURT OF APPEALS	9
III. THERE IS NO CONFLICT AMONG THE CIRCUITS REGARDING THE FACTORS NECESSARY FOR GRANTING A RULE 60(B) MOTION RELEVANT TO THIS CASE	12
IV. THE DISTRICT COURT PROPERLY EXERCISED ITS EQUITABLE AUTHORITY TO ORDER PETITIONERS TO PROVIDE A PRISONER LEGAL SERVICES PROGRAM AFTER THEY PROVED THROUGH A DECADE-OLD PATTERN OF NEGLECT AND DELAY THAT THEY WERE UNWILLING OR UNABLE TO IMPLEMENT IN A MANNER CONSISTENT WITH MINIMUM CONSTITUTIONAL REQUIREMENTS THEIR PLAN FOR A PRISON LAW LIBRARY PROGRAM WITH TRAINED INMATE PARALEGALS	13
A. THE BOUNDS V. SMITH MANDATE	13
B. THE DISTRICT COURT'S EQUITABLE AUTHORITY	15
CONCLUSION	18
APPENDIX A HIGHLIGHTS OF THE EVIDENCE SUPPORTING THE CONCLUSION OF THE DISTRICT COURT AND THE COURT OF APPEALS THAT PETITIONERS SHARE RESPONSIBILITY WITH THEIR COUNSEL FOR THEIR DECADE-OLD PATTERN OF NEGLECT AND DELAY THAT DEMONSTRATE THAT THEY WERE UNWILLING OR UNABLE TO IMPLEMENT THEIR PLAN IN A MANNER CONSISTENT WITH MINIMUM CONSTITUTIONAL REQUIREMENTS	A1 - A16
APPENDIX B SEVEN FACTUAL ASSERTIONS IN THE PETITION THAT EITHER: (A) HAVE NO SUPPORT IN THE RECORD OR (B) ARE CONTRARY TO THE FINDINGS OF THE DISTRICT COURT AND THE COURT OF APPEALS	B1 - B6

TABLE OF AUTHORITIES

<u>CASES</u>	<u>PAGE</u>
Ackerman v. United States, 340 U.S. 193 (1950)	9, 10
Alexander v. Hill, 707 F.2d 780 (4th Cir. 1983)	15
Bounds v. Smith, 430 U.S. 817 (1977)	1,3,13
Compton v. Alston Steamship Co., 608 F.2d 96 (4th Cir. 1979)	9
Cruz v. Hauck, 627 F.2d 710 (5th Cir. 1980)	15
Dal Int'l Trading Co. v. Sword Line, Inc., 286 F.2d 523 (8th Cir. 1961)	10
Davis v. Lewis, No. 77-2231 (4th Cir. Dec. 19, 1977)	1
Evans v. Jeff D., 106 S.Ct. 1531 (1986)	16
Fischer v. Dover Steamship Co., 218 F.2d 682 (2nd Cir. 1955)	10
Graver Tank and Mfg. Co. v. Linde Air Products Co., 336 U.S. 271 (1949)	7
Harrington v. Holshouser (II), 598 F.2d 614 (4th Cir. 1979) (unpublished)	1,15
Harrington v. Holshouser (III), 741 F.2d 66 (4th Cir. 1984)	1,2,15
Hutto v. Finney, 437 U.S. 678 (1978).	15,16
Inryco, Inc. v. Metropolitan Engineering Co., Inc., 708 F.2d 1225 (7th Cir. 1983)	9,11
Jackson v. Washington Monthly, 569 F.2d 119 (D.C. Cir. 1977)	10
Johnson v. Avery, 393 U.S. 483 (1969)	14
Klaprott v. United States, 335 U.S. 601 (1949)	9
Link v. Wabash Railroad Co., 370 U.S. 626 (1962)	9,11
Milliken v. Bradley, 433 U.S. 267 (1977)	15
Naples v. Maxwell, 368 F.2d 219 (6th Cir. 1966)	12
NCAA v. Board of Regents, 468 U.S. 85 (1984).	7
National Hockey League v. Metro. Hockey Club, Inc. 427 U.S. 639 (1976)	9
New York State Health Facilities v. Carey, 76 F.R.D. 128 (S.D. N.Y. 1977)	12

Pasadena City Board of Education v. Spangler, 427 U.S. 424 (1976)	16
Rich v. Zitnay, 644 F.2d 41 (1st Cir. 1981)	15
Rogers v. Lodge, 458 U.S. 613 (1982)	7
Ruiz v. Estelle (VII), 679 F.2d 1115 (5th Cir. 1982)	16
Smith v. Bounds, 841 F.2d 77 (4th Cir. 1988) (in banc) adopting <u>Smith v. Bounds</u> , 813 F.2d 1299 (4th Cir. 1987)	1
Smith v. Sullivan, 611 F.2d 1039 (5th Cir. 1980)	16
Strickland v. Washington, 466 U.S. 668 (1984)	11
Swann v. Charlotte-Mecklenburg Board of Education, 402 U.S. 1 (1971)	15
System Federation v. Wright, 364 U.S. 642 (1961)	16
Taylor v. Illinois, 108 S.Ct. 646 (1988)	11
United States v. Erdoss, 440 F.2d 1221 (8th Cir. 1971)	10
United States v. Paradise, 107 S.Ct. 1053 (1987)	17,18
United States v. Swift & Co., 286 U.S. 106 (1932)	16
United States v. United Shoe Machinery Corp., 391 U.S. 244 (1968)	16
Werner v. Carbo, 731 F.2d 204 (4th Cir. 1984)	9
Younger v. Gilmore, 404 U.S. 15 (1971)	1

RULES

Federal Rules of Civil Procedure, Rule 60(b)	9
--	---

BOOK

11 C. Wright and A. Miller, FEDERAL PRACTICE AND PROCEDURE (West 1973)	9
--	---

STATEMENT OF THE CASE

Respondents initiated these consolidated class actions over 15 years ago. North Carolina at that time had taken no steps to provide its prisoners with any assistance in their access to the courts, in violation of Younger v. Gilmore, 404 U.S. 15 (1971). By the time this Court decided these cases more than 11 years ago, Bounds v. Smith, 430 U.S. 817 (1977), North Carolina was one of only a handful of states that had ignored this constitutional responsibility. Bounds v. Smith, *supra*, Brief for Respondents at 33, Exhibit B. By December 19, 1977, the Court of Appeals observed: "We assume that by now the State has implemented its plan, or will do so shortly." Davis v. Lewis, No. 77-2231 (4th Cir. Dec. 19, 1977). That hope was forlorn. Since then the Court of Appeals on three separate occasions has held that North Carolina has not shown that it was in compliance with its constitutional obligation. Smith v. Bounds, 841 F.2d 77 (4th Cir. 1988) (*in banc*), adopting Smith v. Bounds, 813 F.2d 1299 (4th Cir. 1987); Harrington v. Holshouser (III), 741 F.2d 66 (4th Cir. 1984); Harrington v. Holshouser (II), 598 F.2d 614 (4th Cir. 1979) (unpublished) (A. 1-38.) In 1979, a unanimous panel of the Court of Appeals in this case held that "the state defendants had the burden of proving the constitutional adequacy of their implementation of the plan which they proposed and with which they were ordered to comply," and that they had not done so. Harrington v. Holshouser (II), *supra*. (A. 1-5.) In 1984, another unanimous panel of the Court of Appeals held, again in this case, that Petitioners still had not carried their burden of demonstrating compliance with their plan and their constitutional obligation. Harrington v. Holshouser (III), *supra*. (A. 6-13.) Accordingly, the Court of Appeals found it necessary again to remand the case to the District Court to "determine whether the state has established a prison library system in a constitutionally sufficient manner." *Id.* at 70. (A. 12.) The Court observed: "Thus, seven years after the Supreme Court decision in Bounds v. Smith, the same legal action remains still unresolved on this appeal despite [Respondents'] efforts, through a series of petitions and motions, to ensure compliance with the Supreme Court's mandate." 741 F.2d at 67. (A. 8.) Two years later the District Court reconfirmed: "As Judge Sprouse put it in

Harrington v. Holshouser, 741 F.2d 66, 69 (4th Cir. 1984), '[a] description of the State's efforts . . . is a chronology of failure.'" Smith v. Bounds, 657 F.Supp. 1322, 1327 (E.D. N.C. 1986). (A. 594.) The District Court found that Petitioners failed on two separate fronts: (A) Petitioners' primary failure was substantive: Petitioners' "plan for assuring adequate law library facilities has been in existence for over a decade, yet they have consistently failed to implement that plan in a constitutionally adequate manner." Smith v. Bounds, 610 F.Supp. 597, 602 (E.D. N.C. 1985). (A. 60.) Petitioners' other failure was procedural: "(T)hroughout the course of this litigation the state has failed to comply with a number of this court's orders." (A. 571.) At the hearing in this case the District Court asked the Chief Deputy Attorney General of North Carolina: "Don't you think there is some merit in the Court's indictment of your side of this versus some--a lot of foot dragging?" He responded: "Your Honor, I agree 100 percent." (Fourth Cir. App. 564X.)

On remand in the District Court, Petitioners made no effort to show compliance. Petitioners' responsibility under the Court of Appeals' 1979 and 1984 decisions was to come forward with such a showing without the necessity of an additional order from the District Court. Although Petitioners did nothing to satisfy that burden, the District Court was exceedingly patient in waiting for them to do so.

Respondents filed several documents attempting to encourage Petitioners to take action in response to their obligation, including on November 9, 1984 a Motion for Order Compelling Defendants To Report on Their Compliance With Their Constitutional Obligations, and on November 28, 1984 a Submission of Summary of the Compliance Stage of This Litigation. When Petitioners did not respond to those documents or otherwise make any showing, the District Court still exhibited patience and did not foreclose Petitioners' opportunity to make the necessary showing, as it might well have done then. Instead, the District Court on December 21, 1984 issued its own order directing Petitioners to show that they were in compliance or -- still patiently -- shortly would be.

Petitioners submitted no response to that order and the deadline passed.

Respondents then filed two more documents: On January 29, 1985, Plaintiffs' Motion for Judgment; and on March 1, 1985, Plaintiffs' Submission

With Regard to Remedy. In addition, counsel for Respondents approached counsel for Petitioners on two occasions to remind him of his obligation to respond, to encourage him to do so, and, if he needed additional time, to urge him to make a formal request to the Court, authorizing him on the first occasion to represent that Respondents would not object. Petitioners still made no appearance in the District Court.

Finally, after waiting nearly five months the District Court issued its order of May 14, 1985 finding that for over a decade Petitioners had "consistently failed to implement that plan in a constitutionally adequate manner" in three important respects. The District Court expressly found that Petitioners "are not in compliance with their constitutional obligation to provide inmates of the North Carolina prisons with adequate assistance in their access to the courts." 610 F.Supp. at 603. (A. 62.) There can be no dispute that the record before the District Court permitted no other conclusion.

The District Court further found: The State "has proven itself unable or unwilling to insure that its law libraries are constitutionally adequate to meet its inmates' needs. Therefore, some alternative method must be found. For the reasons set out hereinbefore, the court today concludes that method must include, in some form, the assistance of counsel." The District Court decided that its order was "in complete harmony with the Supreme Court's decision in Bounds v. Smith." 657 F.Supp. at 1326. (A. 592).

Petitioners then on June 13, 1985 filed a Motion for Reconsideration pursuant to Rule 60(b) of the Federal Rules of Civil Procedure. On July 29, 1985 the District Court issued an order carefully considering Petitioners' motion and denying it on the ground that the papers submitted by Petitioners "have totally failed to show exceptional circumstances in this case." 657 F.Supp. 1322, 1324. (A. 572.) Although Petitioners concede that their counsel committed one serious instance of "apparent contempt," Petition at 6, the District Court found that Petitioners had committed twelve separate substantial defaults stretching over the years of the compliance phase of this litigation. Thus, the total failure of Petitioners to respond in any fashion to the District Court's December 21, 1984 order was in no sense aberrational. It fit a consistent, deliberate pattern. As the District Court found: "The

case proceeded in this manner throughout." 610 F.Supp. at 599. (A. 55.) See also, 610 F.Supp. at 601, (A. 59): "As with past orders, [Petitioners] filed no response" to the December 21, 1984 order. The Chief Deputy Attorney General even conceded at the hearing: "Your Honor was more tolerant than I would have been had I been sitting in Your Honor's Seat." The District Court made clear that its decision was based on the entire pattern of Petitioners' litigation strategy of neglect and delay and not just the failure to comply with its December 21, 1984 order: "The state's failure to comply with the December, 1984 order was quite simply the straw that broke the camel's back and showed that the state has been unwilling or unable to comply with a plan submitted and approved more than ten years ago." 657 F.Supp. at 1324. (A. 572.)

Petitioners filed a second motion for reconsideration on December 10, 1985. On January 13, 1986 the District Court denied that motion for the reasons set forth in its order denying Petitioners' first motion for reconsideration. (A. 585.)

The Court then scheduled a hearing for February 10, 1986 for consideration of the new plans submitted by the parties, as directed in the May 14 order. At the hearing, counsel for Petitioners asked the Court again to reconsider its May 14 order. The District Court entertained that request and discussed Petitioners' reconsideration request with their counsel and with counsel for Respondents. The District Court promised: "I will think about it some more."

Three days later, on February 13, 1986, Petitioners filed a third motion for reconsideration. After giving the matter the further thought that it had promised, the District Court on March 11, 1986 issued an order denying the motion, in which it explained: "The court indicated that it would permit defendants to file their renewed motion, largely because it has raised concerns which the court feels may have not been fully addressed in prior orders." 657 F.Supp. at 1325. (A. 590.) After thoughtful discussion of the issues presented by the third motion for reconsideration, the District Court concluded -- as it had in denying the first motion for reconsideration -- that Petitioners shared responsibility with their counsel for their failure to demonstrate compliance with their constitutional obligation. The District Court noted that Petitioners repeatedly failed, over a protracted period,

timely to respond to the court's orders, which Petitioners could not blame solely on their counsel. The District Court therefore denied the motion. 657 F.Supp. at 1327. (A. 594-595).

The Court of Appeals affirmed the District Court decision, first by a unanimous panel, 813 F.2d 1299 (A. 14-27), then, on rehearing, by an 8-4 decision of the in banc court, 841 F.2d 77. (A. 28-38.) The panel opinion described the status of the case as follows:

"Since the Supreme Court spoke in 1977, the thrust of this litigation has been to require North Carolina to meet these minimum standards. North Carolina, as was its option, sought to bring itself into compliance by the establishment of 'adequate law libraries,' but it never succeeded in establishing a program that would survive scrutiny by the district court and by us. As we observed in 1984 'seven years after the Supreme Court decision in Bounds v. Smith, the same legal action remains still unresolved on this appeal despite [Respondents'] efforts, through a series of petitions and motions to ensure compliance with the Supreme Court's mandate." Harrington II, 741 F.2d at 67.

"After we last remanded the case in 1984, the district court by order entered on December 21, 1984 required [Petitioners] to submit materials, within thirty days, to show that 'they are or shortly will be in compliance with their plan [to provide adequate law libraries].'" When [Petitioners] failed to respond, the district court made a careful analysis of North Carolina's proposals then before it and concluded that they were constitutionally deficient in at least three respects . . . Having found the 'state's inability or an unwillingness to implement its plan,' the district court concluded that it must decree some form of assistance from trained attorneys, and on May 14, 1985 it filed its opinion indicating that it would grant such relief. 610 F.Supp. 597."

813 F.2d at 1301. (A. 18.)

The Court of Appeals also agreed with the District Court that Petitioners'

"neglect was part of a decade-old pattern of neglect and delay. In Harrington II, we characterized 'the State's efforts in this area' as 'a chronology of failure.' 741 F.2d at 69. As the district court stated below, 'The [Respondents] cite eleven other instances where [Petitioners] failed to respond to the court's orders. The state's failure to comply with the December 1984 order was quite simply the straw that broke the camel's back ... Clearly, the [Petitioners] knew or should have known that counsel had a history of failing to respond to the court's orders.'"

"The history of the defendants' neglect of its duties in this case, as recounted by the district court, is set forth in the margin. We find it correctly described."

813 F.2d at 1304-1305. (A. 24-25.) [That history is discussed in Appendix A.]

In upholding the District Court's decision, the panel opinion concluded with the following important observation:

"Consistent with its role and function as a court, the district court could not sanction this extensive history of nonfeasance. Even when a sovereign state is a litigant, there comes a time when further delay cannot be tolerated. In this case, that time was well past. Cf. Green v. County School Board, 391 U.S. 430, 439 (1968)."

The in banc majority adopted the panel opinion. 841 F.2d at 77. (A. 29).

In addition, it supplemented that opinion with the following:

"Defendants contend that they presented a case of excusable neglect under Rule 60(b), F.R. Civ. P., justifying relief from the May 14, 1985 order, decreeing that the state must provide assistance to prisoners by trained attorneys, and permission to reopen the case in order to show that North Carolina had a constitutionally acceptable prisoner library program. We note two significant factual findings by the district court in rejecting this contention. First, in denying defendants' initial motion for reconsideration, the district court concluded that defendants had not shown excusable neglect because 'defendants' failure to respond to the December 21, 1984 order was not an isolated incident. Clearly, defendants knew or should have known that counsel had a history of failing to respond to the court's orders.'

"Similarly when the district court denied defendants' second renewed motion for reconsideration, it dealt with defendants' argument that while Safron's dereliction in failing to respond to the December 21, 1984 order was not excusable neglect, their failing to respond was excusable because Safron's omission was an isolated incident which neither defendants nor Safron's supervisors could have anticipated. Again it found that 'actions of counsel which precipitated the May 14, 1985 order and opinion were not isolated incidents.' It noted that 'the state had failed eleven other times over the course of this litigation to timely respond to this court's orders.... Thus, the state's failure to comply with the court's orders cannot be laid solely at Mr. Safron's door ... [T]he court concludes that defendants must share the responsibility for counsel's failure to provide the court with sufficient information to determine the adequacy of the law library plan.'

"Coupled with these factual findings is the district court's finding, described in the panel opinion and reiterated by the district court in its opinion denying the initial motion for reconsideration, that North Carolina was unable or unwilling to implement its library plan consistent with minimum constitutional requirements.

"From the facts of record and for the reasons set forth in the panel opinion as well as our own examination of the record, we conclude that these findings of fact are not clearly erroneous. If, as the district court permissibly found, there was neglect on the part of all of the defendants, it follows that they could not establish 'excusable neglect,' they had no right to reconsideration under Rule 60(b), and the district court correctly denied their repeated motions for reconsideration."

841 F.2d at 77-78. (A. 29-30.)

The four dissenting judges gave two reasons for their dissent. First, they argued that the District Court had gone beyond the mandate of the Court of Appeals' 1984 decision in this case. (The Petition does not advance this argument.) Secondly, they disagreed with the District Court and the majority of the Court of Appeals that "the state 'knew or should have known' what its attorney was doing during the progression of the case." 841 F.2d at 81. (A.

35.) Accordingly, they reasoned: "Not only is the record devoid of any action by the State, as contrasted with its attorney, which would indicate any recalcitrance or footdragging, it is full of papers which indicate that the State had proceeded to comply with our mandate in Harrington II and that her attorney simply neglected to file the papers. I think that is an exceptional circumstance which warrants relief." 841 F.2d at 82. (A. 38.)

REASONS FOR DENYING THE WRIT

I.

THIS COURT SHOULD NOT EXERCISE ITS CERTIORARI JURISDICTION TO REVIEW THE FINDINGS OF FACT CONCURRED IN BY THE DISTRICT COURT AND THE COURT OF APPEALS.

The usual practice of this Court is to "accord great weight to a finding of fact which has been made by a district court and approved by a court of appeals." NCAA v. Board of Regents, 468 U.S. 85, 98 n.15. (1984). Indeed, "this Court has frequently noted its reluctance to disturb findings of fact concurred in by two lower courts." Rogers v. Lodge, 458 U.S. 613, 623 (1982). "A court of law, such as this Court is, rather than a court for correction of errors in fact finding, cannot undertake to review concurrent findings of fact by two courts below in the absence of a very obvious and exceptional showing of error." Graver Tank and Mfg. Co. v. Linde Air Products Co., 336 U.S. 271, 275 (1949).

The crux of the petition, however, is Petitioners' dispute with the findings of the District Court and the Court of Appeals. Petitioners formulated their statement of the first question presented for review with a statement that "the state officials had timely provided evidence of compliance with their law library plan to their then attorney of record and he, unbeknownst to them, grossly neglected to present it to the court." Petition, page 1. In their Introduction, Petitioners then recite: "... the evidence, which was timely made available to their former counsel but which unbeknownst to the defendants was not presented to the district court . . . their former counsel's dereliction of duty, of which the defendants were unaware, and without reason to be aware." Petition, Page 5; see also Petition, Page 12: "Mr. Safron simply did not present evidence of compliance to the District

Court, and he never advised the defendants that it was his intention to abandon them."

The principal problem with that position is that the District Court and the Court of Appeals found directly to the contrary. The District Court concluded that Petitioners shared responsibility with their counsel for their failure to demonstrate compliance with their constitutional obligation and expressly rejected Petitioners' effort to minimize their misconduct by limiting it to only one single default and then fixing responsibility for that misconduct solely on Safron. 657 F.Supp. at 1327. (A. 594-595.). "Clearly," the District Court found, "defendants knew or should have known that counsel had a history of failing to respond to the court's orders." The District Court made clear that its decision was not based on just the one failure that Petitioners acknowledge. That incident, the District Court found, "was quite simply the straw that broke the camel's back and showed that the state has been unwilling or unable to comply with a plan submitted and approved more than ten years ago." 657 F.Supp. at 1324. (A. 572.) The Court of Appeals described that one incident of misconduct as "part of a decade-old pattern of neglect and delay." 813 F.2d at 1304-1305. (A. 24.) It agreed that Petitioners' failure to comply could not be blamed solely on Safron. 841 F.2d at 78. (A. 30.)

Petitioners do not even acknowledge the findings of the two lower courts that reject the factual position they present to this Court. They do not even acknowledge, let alone discuss or attempt to explain, any of the earlier incidents in the decade-old pattern. Certainly they cannot contend that there is "a very obvious and exceptional showing of error" justifying a departure from this Court's two-court rule if they do not even discuss the findings of the two lower courts or the substantial evidence upon which it is based.

That is a sufficient basis for denying the petition for certiorari. Respondents have, however, included in Appendix A of this Brief a summary of the highlights of the evidence supporting these findings of the District Court and the Court of Appeals. Respondents have also provided in Appendix B a list of other factual assertions in the Petition that either have no support in the record or are contrary to the findings of the District Court and the Court of Appeals.

II.

THIS COURT SHOULD NOT EXERCISE ITS CERTIORARI JURISDICTION TO REVIEW WHETHER THE DISTRICT COURT ABUSED ITS DISCRETION IN DENYING PETITIONERS' MOTIONS FOR RECONSIDERATION BECAUSE PETITIONERS' POSITION IS BASED ON AN ASSERTED FACTUAL POSITION THAT IS CONTRARY TO THE FINDINGS OF FACT CONCURRED IN BY THE DISTRICT COURT AND THE COURT OF APPEALS.

The procedural posture of the case is such that the only question on appeal is whether the District Court abused its discretion in denying Petitioners' motions for rehearing after giving them plenary and careful consideration. The Petition states that the motions were based on Rule 60(b) of the Federal Rules of Civil Procedure, but does not specify the section of that rule upon which it relies. Petition at 1. The District found that Petitioners had "totally failed to show exceptional circumstances," 657 F.Supp. at 1324, (A. 572), and the Court of Appeals upheld that conclusion and also found that Petitioners "have not established excusable neglect for purposes of 60(b)(1)." 813 F.2d at 1304. (A. 23.)

Relief under Rule 60(b) requires a showing of "extraordinary circumstances." Ackermann v. United States, 340 U.S. 193, 199 (1950); Klaprott v. United States, 335 U.S. 601, 613 (1949) ("an extraordinary situation"); id. at 616 (Burton, J.) ("special circumstances"). "The remedy provided by the Rule . . . is extraordinary and is only to be invoked upon a showing of exceptional circumstances." Compton v. Alston Steamship Co., 608 F.2d 96, 102 (4th Cir. 1979). "To bring himself within Rule 60(b), the movant must make a showing of . . . exceptional circumstances." Werner v. Carbo, 731 F.2d 204, 206-207 (4th Cir. 1984); see also id. at 209; Inryco, Inc. v. Metropolitan Engineering Co., Inc., 708 F.2d 1225, 1230 (7th Cir. 1983). Rule 60(b)(1) requires, in addition, a showing of "mistake, inadvertence, surprise or excusable neglect."

Moreover, "Rule 60(b) motions are usually left to the sound discretion of the District Court." 11 C. Wright and A. Miller, FEDERAL PRACTICE AND PROCEDURE § 2857 (1973); see also National Hockey League v. Metro. Hockey Club, Inc., 427 U.S. 639, 643 (1976) ("The question, of course, is not whether this Court, or whether the Court of Appeals would as an original matter have dismissed the action; it is whether the District Court abused its discretion in so doing."); Link v. Wabash Railroad Co., 370 U.S. 626, 633 (1962).

The Petition makes clear that Petitioners' unqualified factual assertion contrary to the findings of both of the courts below is critical to their first point because they incorporate it into their formulation of the question presented just as if it were established. Petitioners contend that their failure to present evidence of compliance was solely attributable to the inexcusable, Petition at 5, "gross negligence," Petition at 11, 13, and "apparent contempt," Petition at 6, 13, of their counsel in the "flouting of the court's order." Petition at 7. They further contend that their counsel's conduct was "unbeknownst" to them and that they "were unaware, and without reason to be aware," of his conduct. Petition at 5. However, the District Court and the Court of Appeals have both expressly rejected that contention. They correctly concluded that the most recent default was part of a "course of protracted neglect," Jackson v. Washington Monthly, 569 F.2d 119, 121 (D.C. Cir. 1977); Fischer v. Dover Steamship Co., 218 F.2d 682, 683 (2d Cir. 1955), and the product of a deliberate strategy, United States v. Erdoss, 440 F.2d 1221, 1223 (8th Cir. 1971), that continued over the course of a decade and that cannot provide a basis for Rule 60(b) relief. "There must be an end to litigation someday, and free, calculated, deliberate choices are not to be relieved from." Ackermann v. United States, 340 U.S. 193, 198 (1950). Parties cannot freely shift attorneys to test an alternative strategy upon the failure of an irresponsible one. See Dal Int'l Trading Co. v. Sword Line, Inc., 286 F.2d 523, 523, 525 (8th Cir. 1961). As the en banc opinion of the Fourth Circuit summarized:

"Defendants contend that they presented a case of excusable neglect under Rule 60(b), F.R. Civ. P., justifying relief from the May 14, 1985 order, decreeing that the state must provide assistance to prisoners by trained attorneys, and permission to reopen the case in order to show that North Carolina had a constitutionally acceptable prisoner library program. We note two significant factual findings by the district court in rejecting this contention. First, in denying defendants' initial motion for reconsideration, the district court concluded that defendants had not shown excusable neglect because 'defendants' failure to respond to the December 21, 1984 order was not an isolated incident. Clearly, defendants knew or should have known that counsel had a history of failing to respond to the court's orders.'

"Similarly when the district court denied defendants' second renewed motion for reconsideration, it dealt with defendants' argument that while Safron's dereliction in failing to respond to the December 21, 1984 order was not excusable neglect, their failing to respond was excusable because Safron's omission was an isolated incident which neither defendants nor Safron's supervisors could have anticipated. Again it found that 'actions of counsel which precipitated the May 14, 1985 order and opinion were not isolated incidents.' It noted that 'the state

had failed eleven other times over the course of this litigation to timely respond to this court's orders.... Thus, the state's failure to comply with the court's orders cannot be laid solely at Mr. Safron's door ... [T]he court concludes that defendants must share the responsibility for counsel's failure to provide the court with sufficient information to determine the adequacy of the law library plan.'

"Coupled with these factual findings is the district court's finding, described in the panel opinion and reiterated by the district court in its opinion denying the initial motion for reconsideration, that North Carolina was unable or unwilling to implement its library plan consistent with minimum constitutional requirements.

"From the facts of record and for the reasons set forth in the panel opinion as well as our own examination of the record, we conclude that these findings of fact are not clearly erroneous. If, as the district court permissibly found, there was neglect on the part of all of the defendants, it follows that they could not establish 'excusable neglect,' they had no right to reconsideration under Rule 60(b), and the district court correctly denied their repeated motions for reconsideration."

841 F.2d at 77-78. (A. 29-30.)

Thus, two courts have ruled against Petitioners on this factual dispute. This Court should not grant certiorari simply to review a factual issue that was decisively resolved by the District Court in a manner confidently upheld by the Court of Appeals.* Out of an abundance of caution, Respondents

*Even were Petitioners' factual assertion not contradicted by the findings of both lower courts, Petitioners would not be able to show that the District Court abused its discretion in denying their motions for reconsideration. The adversary process requires that courts and opposing parties rely on the attorneys with whom they must deal. Link v. Wabash Railroad Co., 370 U.S. 626, 633-634, 634 n.10 (1962); Strickland v. Washington, 466 U.S. 668 (1984). As this Court recently said in the context of a criminal case:

"Petitioner argues that the preclusion sanction was unnecessarily harsh in this case Petitioner also contends that it is unfair to visit the sins of the lawyer upon his client. Neither argument has merit.

"More is at stake than possible prejudice to the prosecution. We are also concerned with the impact of this kind of conduct on the integrity of the judicial process itself. The trial judge found that the discovery violation in this case was both willful and blatant. . . . Regardless of whether prejudice to the prosecution could have been avoided in this particular case, it is plain that the case fits into the category of willful misconduct in which the severest sanction is appropriate. . . .

"The argument that the client should not be held responsible for his lawyer's misconduct strikes at the heart of the attorney-client relationship. . . . The adversary process could not function effectively if every tactical decision required client approval. . . . Putting to one side the exceptional cases in which counsel is ineffective, the client must accept the consequences of the lawyer's decision"

Taylor v. Illinois, 108 S.Ct. 646, 656-657 (1988). Even if Petitioners were only neglectful, they may not claim Rule 60(b) relief on the basis of their attorney's "inexcusable neglect." Inryco, Inc. v. Metropolitan Engineering Co., Inc., 708 F.2d 1225, 1234, 1235 (7th Cir. 1983). Courts allowing Rule 60(b) relief "uniformly require a diligent, conscientious client." Id. at 1234. Cf., Link v. Wabash Railroad Co., 370 U.S. 626, 635-636 (1962): "Nor need we consider whether the District Court would have been abusing its

summarize in Appendix A the highlights of the evidence that supports the lower courts' resolution of this factual question. See also, 813 F.2d 1299, 1305 n.4.

III.

THERE IS NO CONFLICT AMONG THE CIRCUITS REGARDING THE FACTORS NECESSARY FOR GRANTING A RULE 60(B) MOTION RELEVANT TO THIS CASE.

Petitioners erroneously interpret two cases, Naples v. Maxwell, 368 F.2d 219 (6th Cir. 1966); New York State Health Facilities v. Carey, 76 F.R.D. 128 (S.D. N.Y. 1977), to support the extraordinary position that state officials who are represented by the state attorney general have an absolute right to relief from a judgment resulting from a default by their counsel, unlike private litigants for whom the request for relief is addressed to the sound discretion of the District Court. In Naples, an Assistant Attorney General essentially sabotaged the State's case by recommending that a court grant a petition for a writ of habeas corpus. Unlike the present case, the State's attorney took an affirmative position contrary to the State's interest -- and was disciplined for doing so. In allowing Rule 60(b) relief, the Court noted: "The assistant who made the recommendation was discharged by the Attorney General. Uncontradicted evidence, including an affidavit and testimony of the assistant, to the effect that the assistant had no authority to make the recommendation was submitted to the court." Id. at 220. The Sixth Circuit applied no special rule for the state officials, but simply held "that there was neglect of duty on the part of the assistant to the Attorney General, and that this was excusable and could not have been avoided on the part of the Attorney General." Id. In Carey, although stating in dictum that the case was "distinguishable on the critical fact that defendants herein are state officials represented by attorneys in the employ of the state," the court based its decision granting the motion to vacate a default judgment, not on Rule 60(b)(1) or (6), but on Rule 60(b)(4), that the judgment was void because in violation of the eleventh amendment. Indeed, it wrote: "This Court appreciates that the New York State Attorney General's Office is burdened with

*Footnote Continued
discretion had it rejected a motion under Rule 60(b) which was accompanied by a more adequate explanation No such motion was ever made, so that there is nothing in the record before us to indicate that counsel's failure . . . was other than deliberate or the product of neglect."

a heavy workload. However, this does not excuse its neglect of the matter at hand." Id. at 132.

Neither case suggested that the matter was not a discretionary one for the District Court. In the present case, the District Court gave appropriate consideration to Petitioners' status as state officials. It carefully considered three times Petitioners' motions for reconsideration, including their argument for a special rule of leniency for state officers sued in their official capacities and represented by the Attorney General's office. The District Court's findings of "protracted neglect" with shared responsibility and its consequent exercise of discretion to deny the motions for reconsideration are amply supported by the record and were properly upheld by the Court of Appeals.

IV.

THE DISTRICT COURT PROPERLY EXERCISED ITS EQUITABLE AUTHORITY TO ORDER PETITIONERS TO PROVIDE A PRISONER LEGAL SERVICES PROGRAM AFTER THEY PROVED THROUGH A DECADE-OLD PATTERN OF NEGLECT AND DELAY THAT THEY WERE UNWILLING OR UNABLE TO IMPLEMENT IN A MANNER CONSISTENT WITH MINIMUM CONSTITUTIONAL REQUIREMENTS THEIR PLAN FOR A PRISON LAW LIBRARY PROGRAM WITH TRAINED INMATE PARALEGALS.

Petitioners argue that the District Court's order violated the law of the case established by the decision of this Court in 1977. Not even the dissenting judges on the Court of Appeals accepted this argument.

A. THE BOUNDS v. SMITH MANDATE

In Bounds v. Smith, 430 U.S. 817 (1977), this court held that the Constitution requires North Carolina "to shoulder affirmative obligations to assure all prisoners meaningful access to the courts," 430 U.S. at 824, including assistance "in the preparation and filing of meaningful legal papers by providing prisoners with adequate law libraries or adequate assistance from persons trained in the law." Id. at 828. The only question before this Court was "whether States must protect the right of prisoners to access to the courts by providing them with law libraries or alternative sources of legal knowledge." Id. at 817. The Court clearly answered that question in the affirmative. It thus rejected Petitioners' position that their only obligation was not to interfere with their inmates' access to the courts. As it did, the Court had before it Petitioners' plan for satisfying their

constitutional obligation. Id. at 819. Respondents did not at that time oppose Petitioners' plan in any respect, so this Court did not have to consider the adequacy of the plan as presented. Moreover, Petitioners had obtained a stay of their obligation to implement the plan, so this Court could not at that time have considered the adequacy of the plan as implemented, either.

Before this Court, Petitioners took the position that law libraries would be inadequate to assure prisoners meaningful access to the Courts. Id. at 826. The Court, advertent to the broader scope of the plan presented by Petitioners, which included staffing of the law libraries with trained inmate paralegals, disagreed. Id. at 826-827. Furthermore, it emphasized that if Petitioners "had any doubts about the efficacy of libraries, the District Court's initial decision left [Petitioners] free to choose another means of assuring access." Id. at 827. Petitioners' obligation as described by this Court was to assure meaningful access to the courts. The Court recognized that this requirement allowed prison administrators wide discretion within the bounds of their constitutional obligation. Id. at 833. Yet the Court emphasized, "[M]eaningful access' to the courts is the touchstone." Id. at 823. "Any plan," the Court decided, "must be evaluated as a whole to ascertain its compliance with constitutional standards." Id. at 832.

The issue of legal services for prisoners was not before this Court in Bounds. The Court did, however, go out of its way to note the superiority of legal services programs in this context. Its opinion left little doubt that the Court believed that a legal services program would be the advisable method of assuring prisoners meaningful access to the courts.* Id. at 831-832. The Court took note that professional prison administrators overwhelmingly "supported creation and expansion of prison legal services." Id. at 829-830 n.18. Observing that "[n]early half the States and the District of Columbia provide some degree of professional or quasi-professional legal assistance to prisoners," id. at 830-831, and taking account of the variety of imaginative forms for such programs and the successes achieved by the better ones, the Court said:

*As early as Johnson v. Avery, 393 U.S. 483 (1969), this Court noted with restrained approval the initial efforts to deliver legal services to prison inmates. Id. at 489.

"Legal services plans not only result in more efficient and skillful handling of prisoner cases, but also avoid the disciplinary problems associated with writ writers Independent legal advisors can mediate or resolve administratively many prisoner complaints that would otherwise burden the courts, and can convince inmates that other grievances against the prison or the legal system are ill-founded, thereby facilitating rehabilitation by assuring the inmate that he has not been treated unfairly."

Id. at 831.

Certainly the decision with that language was not holding that a District Court may never order a state to provide a legal services program -- no matter how intransigently or even contumaciously the state acts in connection with its constitutional obligation and no matter what needs are demonstrated for its prisoners -- especially when the question was not before the Court.

The burden of proving clearly, and on the record, the qualitative adequacy of the assistance is on the prison authorities. Harrington v. Holshouser (III), 741 F.2d 66 (4th Cir. 1984); Harrington v. Holshouser (II), 598 F.2d 614 (4th Cir. May 14, 1979), slip op. at 8 (A. 739); Rich v. Zitnay, 644 F.2d 41, 43 (1st Cir. 1981); Cruz v. Hauck, 627 F.2d 710, 719 (5th Cir. 1980). As the District Court held in its May 14, 1985 Opinion Petitioners have not met that burden. They turned their reservations about the efficacy of their law library plan into a self-fulfilling prophecy. Only when it became clear that Petitioners were unable or unwilling to implement their plan did Respondents begin to seek a legal services program as the answer.

B. THE DISTRICT COURT'S EQUITABLE AUTHORITY

The District Court had the equitable authority to assure an effective remedy. Given Petitioners' default, the District Court had "broad power to fashion a remedy." Swann v. Charlotte-Mecklenburg Board of Education, 402 U.S. 1, 16 (1971); Alexander v. Hill, 707 F.2d 780, 783 (4th Cir. 1983). As this Court said in Hutto v. Finney, 437 U.S. 678, 687 n.9 (1978);

"As we explained in Milliken v. Bradley, 433 U.S. 267, state and local authorities have primary responsibility for curing constitutional violations. If, however '[those] authorities fail in their affirmative obligations . . . judicial authority may be invoked.' Swann v. Charlotte-Mecklenburg Board of Education, 402 U.S. 1,] 15. Once invoked, 'the scope of a district court's equitable powers to remedy past wrongs is broad, for breadth and flexibility are inherent in equitable remedies.'"

Applying that principle to the case before it, this Court used language that may readily be applied to uphold the District Court's order in this case:

In fashioning a remedy, the District Court had ample authority to go beyond earlier orders and to address each element contributing to the violation. The District Court had given the Department repeated opportunities to remedy the cruel and unusual conditions in the isolation cells. If petitioners had fully complied with the court's earlier orders, the present time limit might well have been unnecessary. But taking the long and unhappy history of the litigation into account, the court was justified in entering a comprehensive order to insure against the risk of inadequate compliance.

Hutto v. Finney, 437 U.S. at 687; see generally Ruiz v. Estelle (VII), 679 F.2d 1115, 1145-1146, 1155-1156 (5th Cir. 1982) ("(T)he remedy should begin with what is absolutely necessary. If these measures later prove ineffective, more stringent ones should be considered. . . . (A) court may require remedial measures that the Constitution does not of its own force initially require."); Smith v. Sullivan, 611 F.2d 1039, 1044 (5th Cir. 1980) ("(T)he federal courts have the power, and the duty, to make their intervention effective.").

A court of equity has the power to modify a decree to adapt it to changed circumstances, and upon appropriate findings of violation has a duty to prescribe effective relief. Evans v. Jeff D., 106 S.Ct. 1531, 1537 (1986); Pasadena City Board of Education v. Spangler, 427 U.S. 424, 437 (1976); United States v. United Shoe Machinery Corp., 391 U.S. 244, 251 (1968); United States v. Swift & Co., 286 U.S. 106, 114 (1932). "The source of the power to modify is of course the fact that an injunction often requires continuing supervision by the issuing court and always a continuing willingness to apply its power and processes on behalf of the party who obtained that equitable relief." System Federation v. Wright, 364 U.S. 642, 647 (1961).

The history of this case from the District Court's 1974 order through its May 14, 1985 order -- including this Court's Bounds decision itself -- has been in this equitable tradition. The District Court proceeded cautiously in this case, permitting Petitioners to formulate the plan for their compliance in the first instance, then generously affording Petitioners ample opportunity over a decade to implement the plan. The Chief Deputy Attorney General at the hearing agreed that the District Court regularly "ruled with the State" and "was very tolerant in the way it handed down its order." Fourth Circuit App. at 568. Only when the District Court became convinced by the experience of too many years of failure and too many defaults by Petitioners did the Court take the next necessary step. Even then the Court called on Petitioners to develop a plan for the prison legal services program, and its order was based

on the plan presented by Petitioners in all respects but one. As the District Court noted, Petitioners' failure over ten years properly to implement their plan "forced this court to conclude that [Petitioners] would not or could not provide inmates adequate access to the courts through the use of law libraries."

"During the past ten years since the Supreme Court's opinion in Bounds v. Smith, this court has retained jurisdiction over the case to insure that the state met the obligations imposed upon it pursuant to its plan. However, since that time the Court of Appeals has twice held that defendants were not meeting that obligation. After defendants' final failure to respond to the mandate of the Fourth Circuit and to this court's orders, the court was forced to conclude that defendants could not assure inmates adequate access to the courts through its law library plan. The court finds nothing in the Supreme Court's opinion which would prohibit such a finding. Rather, the Supreme Court imposed an affirmative duty on the district courts to evaluate a state's plan to ascertain its compliance with constitutional standards. This is exactly what this court did in the May 14, 1985 opinion, concluding that defendants' failure to properly implement their law library plan rendered that plan constitutionally inadequate and finding that under these circumstances, a plan providing some form of attorney assistance was the only way to assure that the mandate of Bounds v. Smith would be met."

657 F.Supp. at 1326. (A. 593).

The recent decision of this Court in United States v. Paradise, 107 S.Ct. 1053 (1987), speaks with remarkable clarity and precision to this case. The analogy between Paradise and the present case is established by two facts: (1) In both cases, there is a clearly established constitutional violation; for the present case, the finding of such a constitutional violation has already been upheld by this Court. (2) In both cases, there is a history of lack of effort or lack of will to remedy the violation. As an incidental additional fact, in both cases there is a history of improper procedural resistance to the court action to require a remedy. In Paradise that consisted apparently of advancing what the District Court called "'frivolous arguments'." In the present case, there has been that and also much more serious procedural defaults. It is important to note, however, that those procedural defaults have been overshadowed by substantive failures by Petitioners to comply with their constitutional obligation. Thus, the District Court had heard and generously accommodated many times over the years promises by Petitioners about how they were going to comply with their plan, only to have Petitioners repeatedly renege on those promises. The District Court's reaction to Petitioners' motions for reconsideration should be evaluated in light of that history.

Thus, Paradise recognized that the Supreme Court "must acknowledge the respect owed a District Judge's judgment that specified relief is essential to cure a violation of the Fourteenth Amendment." Id. at 1073. As in Paradise, so in this case:

"The Government suggests that the trial judge could have imposed heavy fines and fees on the Department pending compliance. This alternative was never proposed to the District Court. Furthermore, the Department had been ordered to pay the plaintiffs' attorney's fees and costs throughout this lengthy litigation; these court orders had done little to prevent future foot-dragging. . . . In addition, imposing fines on the defendant does nothing to compensate the plaintiffs for the long delays in implementing acceptable promotion procedures. . . .

"By 1984 the District Court was plainly justified in imposing the remedy chosen. Any order allowing further delay by the Department was entirely unacceptable."

107 S.Ct. at 1068-1069.

The present case is an easier case than Paradise in one important respect. The remedy ordered by the District Court in this case is forward-looking only. The remedy in Paradise endeavored also to eliminate the present effects of past violations. This aspect of Paradise is what gave the case any difficulty it had, and led the four dissenters to disagree with the majority position. The dissenters were concerned with the effect of the Paradise remedy "on the rights of nonminority troopers." Id. at 1082. The absence of that complicating feature from this case makes the District Court's order even more appropriate for affirmance.

CONCLUSION

Petitioners contend that the District Court was "understandably incensed" by their "apparent contempt of its order," Petition at 6, and deprived "the sovereign State of North Carolina and its people of their day in court." Petition at 5. On the contrary, Petitioners had ample opportunity for years to comply with their constitutional obligation and to demonstrate that compliance to the District Court. During that time, the District Court was exceedingly patient with Petitioners. In finding that Petitioners had proved themselves unable or unwilling to implement their plan in a constitutionally adequate manner, the District Court noted: "This conclusion has not been reached lightly." 610 F.Supp. at 603. (A. 62.) Indeed, the District Court generously considered and thoughtfully responded to three motions for reconsideration by Petitioners. As the Court of Appeals emphasized:

Consistently with its role and function as a court, the district court could not sanction this extensive history of nonfeasance. Even when a sovereign state is a litigant, there comes a time when further delay cannot be tolerated. In this case, that time was well past."

813 F.2d at 1305, adopted by 841 F.2d 77.

For the foregoing reasons, the petition for certiorari should be denied.

Respectfully submitted,

Barry Nakell

Barry Nakell
School of Law -- CB #3380
University of North Carolina
Chapel Hill, N.C. 27599

Attorney for Respondents

APPENDIX A

HIGHLIGHTS OF THE EVIDENCE SUPPORTING THE CONCLUSION OF THE DISTRICT COURT AND THE COURT OF APPEALS THAT PETITIONERS SHARE RESPONSIBILITY WITH THEIR COUNSEL FOR THEIR DECADE-OLD PATTERN OF NEGLECT AND DELAY THAT DEMONSTRATED THAT THEY WERE UNWILLING OR UNABLE TO IMPLEMENT THEIR PLAN IN A MANNER CONSISTENT WITH MINIMUM CONSTITUTIONAL REQUIREMENTS.

As they have in both the District Court and the Court of Appeals, Petitioners treat this case as if they committed only one default and that default only a procedural or timeliness one. Petition at 5, 6, 12. The District Court and the Court of Appeals, however, identified a dozen substantial defaults by Petitioners over the course of the several years of the compliance phase of this litigation. 610 F.Supp. at 599-601. (A. 54-59.) Moreover, they determined that those defaults fit a pattern of neglect and delay that included the one default that Petitioners acknowledge.

Petitioners try to fix the sole blame for the neglect and delay on Deputy Attorney General Jacob Safron. Petition at 6. Yet they make no effort to provide any explanation for his serious misconduct. They endeavor to characterize Safron as if he were running a rogue operation out of the basement of the North Carolina Department of Justice. They identify Mr. Safron as their "then-counsel of record" and append a footnote to say: "When these cases were initially consolidated in 1974, Mr. Safron was the only state attorney in the Attorney General's Office of North Carolina who represented the Department of Correction." Petition at 11 n.4.

By the time period relevant to the compliance phase of this litigation, however, Safron was Chief of the Corrections Section of the Attorney General's office and had seven or eight attorneys under his supervision in that Section. One of the attorneys on his staff was Assistant Attorney General Sylvia Thibaut. Safron reported to then Senior, now Chief, Deputy Attorney General Andrew A. Vanore, Jr.

The Department of Correction also had a legal staff. Ben G. Irons II was the Chief Legal Advisor. (A. 576.) Barbara A. Shaw and Kim Ledford were two of the attorneys on his staff. (A. 76.) Irons first began working for the Department of Correction in 1974. (A. 578.) Between 1976 and 1982 he worked

for Safron in the Attorney General's office. (A. 578.)

Irons kept himself well informed about this case. (A. 578.) In fact, he and his staff assisted Safron with it. (A. 577-578.) The District Court found that they "have been actively involved in this litigation." 657 F.Supp. at 1327. (A. 594.) Although Irons and Shaw were well aware of the history of Safron's handling of the case and were aware that he had not responded to the District Court's December 21, 1984 order, Irons testified by affidavit that he was satisfied with Safron's representation until he received the District Court's order of May 14, 1985. (A. 579.) The Secretary of Correction also testified that he was satisfied with Safron's representation of his department and "had no reason to question his work or his handling of this case." (A. 575.)

Two weeks after the District Court entered its order of May 14, 1985, Thibaut wrote a letter to the District Judge, advising him: "I am succeeding Jacob L. Safron as counsel of record for the Department of Correction in the above-referenced matter." She sent blind copies of the letter to the legal staff of the Department of Correction, Irons and Shaw. Two weeks later she filed a motion for reconsideration on behalf of Petitioners. After that motion was denied, Chief Deputy Attorney General Andrew A. Vanore, Jr., also entered an appearance on behalf of Petitioners.

Safron, however, continued to be in charge of the Corrections Unit where he supervised Thibaut. Indeed, he continued to play an active role in this case, although his name no longer appeared on the papers. The Attorney General's Office did not discipline him in any way. The Court of Appeals noted: "It is not without significance that the Attorney General still relies on Safron. We are aware that he was sole counsel representing North Carolina in another appeal which was argued during the December, 1986, session of the court." 813 F.2d at 1304 n.3. (A. 23.) The case to which the Court referred, argued in banc December 8, 1986, was West v. Atkins, 815 F.2d 993 (4th Cir. 1987). This Court granted certiorari in West, No. 87-5096, 108 S.Ct. 256 (1987), and Safron presented the oral argument on behalf of the Attorney General's office on March 25, 1988. 56 U.S. Law Week 3700. (This Court just handed down its decision on June 20, 1988.) The State's continued reliance on Safron and the lack of any discipline against him are evidence

that the State was in fact satisfied with his conduct of the case. Given the magnitude of the misconduct, it is reasonable to expect that the State would have reacted more strongly against Safron had his litigation strategy not been authorized.

The District Court was, of course, familiar with Safron's work. At the hearing, the Chief Deputy Attorney General pointed out that Safron had appeared before the District Judge many times. See also Garrison v. Ganey, No. 86-7516, (4th Cir.), Appendix pages 116-117, 169 in which the District Court found that Safron failed to respond to reasonable discovery requests in a manner similar to his conduct of this case described by the District Court in its May 14, 1985 order at 610 F.Supp. 599-601 (A. 54-59).

Petitioners have attempted to minimize their misconduct in this case to one single default, to fix responsibility for that misconduct on Safron, to offer a feeble apology from Safron alone, see A. 72-73, and somehow therefore to qualify for reconsideration as a matter of law. All of their affidavits addressed only Petitioners' failure to respond to the December 21, 1984 Order. Safron testified: "I admittedly failed to respond to this Court's December 21, 1984 order." (A. 73.) The Attorney General testified only that Safron committed a neglect of duty in failing to respond to that order. (A. 75.) Indeed, he testified that Safron "has had an unblemished record in handling similar civil litigation" during his seventeen years with the office." (A. 75.) They made no reference to the dozen other defaults that the District Court, in its May 14, 1985 opinion, which the Attorney General presumably read, described as typifying Petitioners' conduct of this case throughout. Moreover, they provided no explanation whatsoever for the one default they did address. As the District Court found, Petitioners "give no reasons as to why Safron's failure to comply with the court's order was excusable." 657 F.Supp. at 1324. (A. 571.)

The Attorney General's affidavit recited that Safron's "neglect of duty . . . was neither directed nor countenanced by me or any member of my staff." (A. 75.) Since Safron himself was a member of the Attorney General's staff, this statement is hard to accept. Moreover, the terms "directed" and "countenanced" are so general that it is impossible to know what they mean. They certainly appear to avoid disclosing to the court just what the Attorney

General did know and when he knew it. Safron also avoided giving any details about the processes in the Department of Justice in developing and implementing its litigation strategy in this case. (A. 73.)

This case was obviously of considerable importance to the Department of Correction and the Department of Justice as well as other state officials. It had, after all, been decided once by this Court. It also had its own intrinsic importance for the Department of Correction.

Safron did not keep secret the pattern of misconduct that characterized the compliance stage. Respondents filed a proliferation of documents describing that pattern. Petitioners have not asserted that they did not see those documents. The District Court filed a succession of orders exposing that pattern and attempting to remedy it, and Petitioners have not asserted that they did not see those orders. The Court of Appeals issued opinions in 1979 and 1984 that discussed that pattern and also made clear Petitioners' obligations, and Petitioners have not asserted that they did not see them. Clearly, Petitioners had an obligation to keep abreast of the case, see Nelson v. Coleman Co., 41 F.R.D. 7, 10 (D. S.C. 1986), and the evidence shows that they did so. Petitioners make no claim that Safron affirmatively misled them. Cf., Inryco, Inc. v. Metropolitan Engineering Co., Inc., 708 F.2d 1225, 1233 (7th Cir. 1983). Any official following the progress of this case even casually had to be familiar with the pattern of misconduct that characterized the compliance stage well before the District Court's order of December 21, 1984. Irons was certainly familiar with the case. Other Department of Correction officials have indicated clear awareness of various aspects of the case. Nevertheless, they testified in affidavits that they were satisfied with Safron's representation. There is no evidence that any official ever criticized Safron for the pattern of misconduct or ever suggested that he undertake a more responsible policy. There is no indication that any official ever demonstrated in any way that Safron was not doing exactly what Petitioners wanted. After the District Court issued its order of May 14, 1985, Petitioners substituted Thibaut for Safron and after the District Court denied their motion for reconsideration defendants also brought Vanore into the case. There is, however, no suggestion that that action represented any displeasure with Safron's conduct other than its lack of success. That action

was strategically designed to enable Petitioners to seek reconsideration by putting the blame on Safron. There is no evidence that Safron was disciplined in any respect. Petitioners' most recent and egregious violation fits into a pattern established by Petitioners of delay, defiance, and default -- never doing anything until forced to do so and then delaying as long as possible even if that meant ignoring deadlines and court orders. Moreover, on this most recent occasion, Petitioners did not just ignore one court order. For the 21 months from the date of the Court of Appeals' 1984 decision to the date of the District Court's May 14, 1985 decision, Petitioners did not appear in the District Court at all. During that time, they not only failed to respond to the District Court's December 21, 1984 Order, they also failed to respond to some seven submissions by Respondents. Certainly this conduct was sufficiently opprobrious to be characterized at least as "flagrant bad faith" and "callous disregard" by Petitioners of their responsibilities. Cf. National Hockey League v. Metro. Hockey Club, Inc., 427 U.S. 639, 643 (1976).

The highlights of the earlier phase of the pattern include:

(1) The District Court originally directed Petitioners to implement their plan within 120 days and to file a Certificate of Compliance upon final implementation. This Court affirmed that order on April 27, 1977. Petitioners, however, made no effort to advise the District Court or Respondents of the status of their implementation within 120 days of that decision, or to seek any extension of time. Indeed, Petitioners did not make any presentation to the District Court for some fourteen months. When they did finally respond, they did so by letter advising the District Court only that the law books were in place. They made no reference to the other critical components of their own plan: the utilization of the law libraries by the prison inmates and the staffing of the law libraries with trained inmate paralegals. They simply told the Court, contrary to the provisions of their own plan, that the purchase of the requisite books "constitutes full compliance." Moreover, they sent the letter ex parte. (A. 2.) They did not send a copy of it to Respondents or their counsel or otherwise notify them of their action. (A. 2.) Even after the District Court directed Petitioners to send a copy to Respondents, Petitioners did not do so.

(2) On remand from the Court of Appeals' 1979 decision requiring Petitioners to establish the satisfactory implementation of their plan, Petitioners did nothing in that regard.

(3) Accordingly, Respondents undertook to try to develop the information that Petitioners had the responsibility to provide, by serving interrogatories and requests for production on defendants. See 741 F.2d at 68 (referring to the extensive efforts made by Respondents "through counsel since Harrington I was decided to obtain information.") (A. 9.) Although Petitioners had the obligation to provide the requested information without discovery efforts by Respondents, they even ignored those efforts by Respondents to assist them in fulfilling their obligation. See 741 F.2d at 67 (referring to Respondents' "efforts, through a series of petitions and motions, to ensure compliance with the Supreme Court's mandate.") (A. 8.)

Respondents served interrogatories on Petitioners on July 26, 1979. Petitioners did not respond to them in any way. As the deadline for answering passed, Petitioners did not file any answers or objections or request an extension of time, formally or informally. After three months, Respondents filed a motion for an order compelling answers. Then Petitioners filed a motion for an extension of time until November 1, 1979 to answer the interrogatories. The District Court granted that motion, but that date passed with no answers or objections or further application for extension being filed. Accordingly, upon the request of Respondents, the District Court scheduled a hearing for June 3, 1980 -- seven months after the extended due date -- on Respondents' motion for an order compelling discovery. Five days before the scheduled hearing, Petitioners filed answers to the interrogatories. Counsel for Respondents received those answers in the mail on June 2, 1980, literally on the eve of the scheduled hearing.

The answers that Petitioners filed contained information through October, 1979 and no information for the period after that. The accompanying affidavit showed that they had been prepared by November 6, 1979. Petitioners offered no explanation for their delay in filing those answers for seven months after having them ready, or for filing them only on the eve of the hearing scheduled to inquire into their failure to file them. Petitioners simply held the answers as long as they could delay and filed them only under pressure from

Respondents and the District Court.

(4) By January of 1982 Petitioners still had made no effort to comply with this Court's decision requiring them to demonstrate their compliance with their plan. In a further effort to achieve the objective of having Petitioners comply with their constitutional obligation, Respondents on January 28, 1982 filed a Motion for an Order that Defendants Comply with their Plan As Approved By This Court and Submit A Certificate of Such Compliance.

Characteristically, Petitioners ignored that motion. Two and one-half months later, on April 15, 1982, the District Court issued an order directing Petitioners to show cause within ten days of receipt of the order why Respondents' motion should not be granted. Petitioners were only a couple of days late in responding to that order. On May 3, 1982 they filed a document entitled "Response to Plaintiffs' Motion for 'A Professional and Comprehensive Certificate of Compliance.'" That document did not, however, respond to Respondents' motion or to the District Court's order. As the District Court accurately described it: "In that response, [Petitioners] basically summarized their previous filings." 610 F.Supp. at 600. (A. 56.)

The District Court then on May 7, 1982, apparently satisfied that Petitioners were not in compliance, ordered the parties within 30 days to submit alternative plans for Petitioners to achieve compliance.

Respondents promptly complied with that order. On May 28, 1982 Respondents filed a Response in which, noting that "(p)resumably, this order represents a conclusion by the Court that the [Petitioners] have not complied with the earlier order of the Court," for the first time they formally recommended that the District Court "order [Petitioners] to provide a legal services program for prisoners."

Petitioners never complied with the District Court's order or responded to it in any way.

The District Court scheduled a hearing for June 24, 1982. It then continued the hearing until August 20, 1982 and then again to September 3, 1982. During all that time Petitioners filed no response to the District Court's order. They took no advantage of the two continuances of the hearing date either to demonstrate that they were in compliance or to submit a new plan in accordance with the District Court's order. They submitted nothing

whatsoever.

On September 3, 1982, the date scheduled for the hearing, the District Court had several motion hearings on its docket. The District Court was not prepared for an evidentiary hearing nor had Petitioners given any reason for it to expect an evidentiary hearing. Petitioners had filed no response to Respondents' motion or to the District Court's order. Nevertheless, Petitioners surprised the District Court and Respondents by presenting a witness in an effort to show compliance. Petitioners offered no explanation for their failure to respond to the District Court's order or their unusual procedure of calling a witness to show compliance at a hearing on a different issue (determining alternative plans for Petitioners to achieve compliance) where witnesses had not been anticipated. Nevertheless, the District Court generously entertained their procedure.

Of course, as the Court of Appeals held in its 1984 decision in this case, Petitioners did not demonstrate compliance at this hearing. This Appendix will comment further on that at paragraph 7 below. At this point, however, it is enough to observe simply the pattern of conduct of the case on behalf of Petitioners.

(5) On September 9, 1982 Respondents served another set of interrogatories on Petitioners. Petitioners ignored them. On October 21, 1982, Respondents filed a motion asking the District Court to order Petitioners to answer the interrogatories. Still Petitioners made no effort to prepare answers to those interrogatories or to seek an extension of time to do so. They did not even respond to the motion, ignoring it as they had the interrogatories.

The District Court waited until December 1, 1982, and then granted Respondents' "unopposed motion" to compel discovery and directed Petitioners "to answer the interrogatories on or before December 10, 1982." One week later Petitioners began to prepare their answers. That was three months after the interrogatories were served, two months after the answers were due, and only two days before the deadline set by the District Court in its order for the answers. Petitioners then filed a motion for an extension of time. In that motion, Petitioners made no effort to explain the three-month period in which they totally ignored the interrogatories; they simply described the

professional activities of their counsel on December 6, 9 and 10 that would interfere with his preparation of the answers.

(6) In the 1984 appeal in these cases, one issue involved the denial of law library access to inmates on segregation status. Petitioners defended this restriction on the ground that "under applicable prison regulations, inmates are entitled to a forty-eight hour release from segregation at the end of each fifteen-day period spent in segregation." 741 F.2d at 68. (A. 10.) Nevertheless, while the cases were under submission to the Court of Appeals -- as to that issue, on the basis of that provision in the regulations -- Petitioners amended their regulations to eliminate that provision. Nevertheless, Petitioners did not take any steps to notify the Court of Appeals or Respondents of that amendment. Three months later the Court of Appeals issued its decision in which it relied on the now-revoked provision to rule in favor of Petitioners on that issue. 741 F.2d at 69. (A. 11.) Even after receiving that opinion Petitioners did not notify the Court of Appeals, the District Court or Respondent that they had revoked the provision that the Court of Appeals as well as the District Court had relied on.

(7) A critical component of the plan that Petitioners had been ordered to implement provided for the training of inmate paralegals.

Petitioners held the first training session on March 28, 30 and 31, 1978. Only half of the time was devoted to training inmate paralegals. The rest of the time was devoted to training correctional officers. The correctional officers were not going to provide any assistance to inmates. Accordingly, the time devoted to their training is irrelevant to the training of inmate paralegals required by Petitioners' plan. The session for the inmate paralegals consisted of seven hours of instruction on March 28, three and one-half hours on March 30, and three and one-half hours on March 31. The March 28 session did not cover legal research but canvassed elementary principles of criminal procedure. The March 30 half-day session was the only one covering legal research techniques. The March 31 half-day session was devoted to going over problems and answering questions.

Petitioners did not conduct another training program for over three and one-half years. Indeed, they did nothing about scheduling another session until long after Respondents began inquiring about their training program

through interrogatories. On September 30, 1980, Petitioners revealed in their Response to Plaintiffs' Second Set of Interrogatories that only two of the thirty-one inmates staffing the prison law libraries had participated in the training session. Yet it was not until November 20, 1980 -- two months after revealing in their answers to those interrogatories that all but two of their inmate law library staff had no paralegal training -- that Petitioners even began any effort to arrange a second training session.

On February 17, 1981, the District Court issued an Order, finding that Petitioners had failed to meet their "obligation to provide inmates assigned permanent library duties with training 'to the best extent possible' in legal research techniques" and ordering Petitioners "to submit to the court within ninety days of this date a statement of the means by which [Petitioners] will promptly comply with this aspect of the library plan."

Petitioners did not respond to that Order until six months later. On August 7, 1981 -- three months late -- Petitioners filed an Affidavit by Lynn C. Phillips, Chief of Program Services for the North Carolina Division of Prisons. Phillips testified in that affidavit that Petitioners had scheduled a "second legal library workshop" for October or November, 1981, 40 months after the first training session. Phillips also testified that he had assigned Jennings W. Stevens, Librarian II, Chief of Library Services for the Department of Correction, the responsibility of developing the second "legal library workshop as well as an on-going on-the-job training program." Phillips further testified that the second workshop, like the first, would last four days for both inmates and correctional officers who would not assist inmates. Thus the time for training inmates would be as limited as in the first program. Future workshops, however, were planned to last ten eight-hour days over the course of two weeks. "It is proposed," he represented, "that after the four day workshop in October or November of 1981, this longer, more intensive in-service training legal library workshop will be held within twelve to eighteen months. Our tentative schedule, subject to revision, proposes that the two week workshops be held at a minimum of every two years. Additionally, shorter workshops may also be held in the two year interval between the two-week workshops, either to reinforce the training in previous workshops or to train new personnel assigned to the law libraries." Phillips

also described the use of on-the-job training. That consisted of instruction, "wherever possible," by the departing officer or inmate of his replacement and of the replacement "doing legal research and the use of legal materials."

Petitioners did not follow that submission with any further information to the Court. On January 28, 1982, Respondents filed a Motion for an Order that Defendants Comply with Their Plan. In that motion, Respondents advised the District Court that they understood that Petitioners had conducted a four-day legal workshop for inmates and officers at the end of October 1981,* but that they did not plan their first full training session for at least another year. Petitioners did not respond to that motion and still did not come forward with any additional information. On April 6, 1982, counsel for Respondents wrote to the District Court, advising that Jennings W. Stevens, the librarian whom Phillips identified as being responsible for developing the workshop and on-the-job training, had changed jobs and that the two persons who had presented the first two workshops were not available for any further training sessions. Respondents therefore asked the Court to require Petitioners to demonstrate "precisely how [they] will begin to comply with [their] commitment to provide trained inmate paralegals for the prison law libraries."

On April 15, 1982, the District Court ordered Petitioners to show cause within ten days why Respondents' motion should not be granted, or the motion would be granted. Petitioners on April 30 filed a document entitled "Response to Plaintiffs' Motion for 'A Professional and Comprehensive Certificate of Compliance.'" That document did not respond to the points, which Respondents raised, that Petitioners had not complied with their obligation to train inmate paralegals, that their plan for doing so was not adequate, and that the professionals that Petitioners were relying on for their inadequate plan were not available. Instead, as the District Court summarized, Petitioners simply asserted that a Certificate of Compliance was unnecessary.

On May 7, 1982, the District Court, implicitly finding that Petitioners had not complied with their plan, "ordered that [Respondents] and

*Petitioners had not even bothered to inform the Court, or Respondents, about that development.

[Petitioners] within 30 days of receipt of this order submit satisfactory alternatives to the programs scheduled for the training of paralegals." Petitioners never responded to that Order, and never complied with it in any way. The Court set the matter for hearing on September 3, 1982. This was the hearing at which Petitioners surprised the Court and Respondents by presenting a witness, Jerry Price, Chief of Educational Services for the North Carolina Department of Correction. Price testified that Petitioners had then -- five and one-half years after this Court's decision -- provided only two legal library workshops, both of only four days' duration, the first on March 28-31, 1978, the second on October 27-30, 1981. He also testified that Petitioners relied considerably on on-the-job training. Petitioners were, however, in the process of hiring a new librarian to replace Stevens, and that new librarian would be responsible for presenting a third workshop. Price said that "hopefully" that workshop would be held "by the end of September," which was 27 days away, even though the librarian responsible for it had not yet been hired. He said that he had a "definite commitment" from the law librarian at North Carolina Central University to assist in conducting the workshop, and needed to find one or two other individuals to do so. On cross-examination, Price admitted that he had just begun two weeks before the hearing to write letters to professionals about participating in the program. In addition to the law librarian at North Carolina Central University, Price had written to professors at Meredith College and Campbell University. He did not know the names, positions or training of those professors.

Price testified that Petitioners had approximately 30 inmate paralegals. Of those, only 7, less than 25%, had ever attended a workshop.

At the conclusion of the hearing, the District Court ordered Petitioners to file a statement detailing their specific efforts to comply with each provision of the 1974 plan. Petitioners did file such a response on October 1, 1982. In that response, Petitioners conceded, in an understatement, "that the training program was not functioning at the level desired by the Department of Correction." Petitioners further advised that they had hired a librarian who would "assume the position and be fully responsible for the operation of the prison law library system on or before October 15, 1982." Petitioners' response did not refer to the planned workshop that Price

testified would "hopefully" be held by the end of September, to the "definite commitment" from the law librarian at North Carolina Central University to assist in conducting it, or to the Meredith College and Campbell University professors who had been approached by letter about participating, but apparently that whole hasty arrangement that so solemnly formed the crux of Price's testimony had been abandoned without notice to the Court or Respondents. Instead, Petitioners now asserted, the Department of Correction had contracted with the Durham Technical Institute to provide three five-day, rather than ten-day, law library workshops on an annual basis. Again, the program would be provided to correctional officers as well as inmates, so only half of the time would actually be for inmate paralegal instruction.

The response did not describe the amount of time to be devoted to the training of inmate paralegals. It also did not include a schedule. In the past, the first day of the training program was for inmate transportation to the site of the program and not for the actual program. In any event, the planned programs were inadequate even by the standards established by Petitioners. In August of 1981 Petitioners represented that they intended to provide a "two week workshop to be held at a minimum of every two years," meeting for eight hours a day for five days a week for each of the two weeks, with shorter workshops to be held in the interval between the two-week workshops. Petitioners have never planned let alone provided a single training program meeting their own standard.

(8) The District Court entered its Order on December 21, 1984 requiring Petitioners to "submit, within thirty days, any materials which they contend show that they are or shortly will be in compliance with their plan." That response was due on January 20, 1984.

Irons testified that when he received that order he "directed an attorney on my staff, Barbara A. Shaw, to work with Mr. Safron to develop the information requested." (A. 577.) Shaw testified that she "contacted people throughout the Division of Prisons who were responsible for the management of the law libraries and the training of law library assistants" and "I received voluminous materials in response." (A. 77.) Shaw testified that she "notified Mr. Safron that I had received all these materials and asked for instruction as to what he needed to respond to the December order. He told me

to carefully review the materials in preparation for a meeting with him. I did carefully review the materials, but he did not schedule a meeting." (A. 77.) Shaw further testified that on January 14, 1985 she sent Safron a handwritten "transmittal slip" asking him to "call me about affidavits necessary for a response in the Bounds case." (A. 78.)

Irons testified that Shaw reported to him that "when she contacted Mr. Safron, he delayed discussion of the matter." (Emphasis added). (A. 577.) He did not say when that occurred, but it must have been close to the deadline for Petitioners' response, probably after January 14, 1985. Irons testified that he "called Mr. Safron and informed him that Ms. Shaw had prepared the information necessary to respond to the court's order. Mr. Safron informed me that he would let me or Ms. Shaw know when the material was needed." (A. 577.) Irons did not disclose the date of that conversation and disclosed no more of his conversation with Safron than that short statement. Irons never said that Safron assured him that he would timely respond to the order or even that he asked Safron to do so. Had Safron given such assurance or had Irons insisted on timely compliance or communicated to Safron that the Department regarded that as important, surely Irons would have included that in his affidavit. He did not, and in light of the subsequent conduct of both Irons and Safron it is more likely that they agreed that Safron not respond in timely fashion.

Irons testified: "I heard nothing from Mr. Safron regarding this matter until after I received [the district] court's order of May 14, 1985." (A. 577-578). Shaw testified that as of the date of her affidavit she was still in possession of the voluminous material she had gathered. (A. 78.) Neither Irons nor Shaw testified that they ever contacted Safron about the matter again. Neither mentioned whether they saw Safron on other matters or whether they discussed this matter among themselves during the months of delinquency. Whatever the contents of the conversation between Irons and Safron, Irons and Shaw seemed content thereafter with the situation despite the facts that they received no information that Safron had complied with the December 21, 1984 order and that Shaw still had in her possession at the Department of Correction the "voluminous materials." Thus, they knew or certainly should have known that no response had been filed months after the passing of the

deadline. They had not received from Safron a copy of any response; Shaw had in her possession the materials they thought were needed for the response. Irons knew that Safron had on many occasions withheld submitting responsive material until absolutely forced to do so, defying deadlines and court orders in the process. Whatever the reason that Shaw did not pursue the matter and that Irons did not even ask Safron about it again over all those months after the deadline, if they did not, must lie in the undisclosed contents of Irons' conversation with Safron. Certainly, they showed an exceptional lack of concern for a significant matter. Despite this situation and despite the history of misconduct of this case that the Court of Appeals had noted in opinions that Irons had read, Irons testified that he "sincerely believed that Mr. Safron had provided adequate legal representation to the Department of Correction in this case until I received [the district] court's order of May 14, 1985." (A. 579.)

(9) Petitioners had ample opportunity in the District Court to explain the situation. The documents they filed with their first motion for reconsideration made no serious effort to do that. The Safron affidavit was barren of any explanation. (A. 72-73.) No self-respecting Court could have been satisfied with the Safron affidavit. The Shaw affidavit added little detail. (A. 76-78.) The affidavit from the Attorney General was also vague. (A. 74-75.) Petitioners did not then submit an affidavit addressed to this issue from any other attorney on Safron's staff, from Safron's supervisor, the Chief Deputy Attorney General, from the former Attorney General, from the Secretary of Correction (although he did submit an affidavit regarding the photocopying policy) or from the previous Secretary of Correction.

When the District Court denied Petitioners' first motion for reconsideration, Petitioners filed two more and the District Court gave both of them serious consideration. During this time Petitioners filed the affidavits of Irons and the current Secretary of Correction. They knew then that the District Court had found their first affidavits insufficient. Yet despite the generous reconsiderations accorded to them by the District Court they never came forward with an adequate affidavit by Safron. Instead, they presented a second affidavit by the Secretary of Correction that made no direct statement about his knowledge of the status of this case and the

affidavit by Irons that added some detail but disclosed that after Irons discussed the matter with Safron the Department demonstrated no concern whatever about Safron's failure to file a response for months after the deadline.

The consistent policy of the Department of Correction throughout the 15 years of this litigation has been to resist its constitutional obligation. It has not refrained from expressing its hostility to that obligation or from using every avenue of delay, legitimate and improper, to avoid complying with it. Petitioners' affidavits never addressed that history in any respect, studiously ignoring it in those that praised Safron's work. The District Court was aware of the pattern of Petitioners' attitude towards and conduct of this case and was aware that it would be consistent with that pattern for Petitioners to decide not to make any submission until they had dragged out the process by delay as long as they could. When Safron did not timely respond to the December 21, 1984 order he might have been acting simply in reliance on the established policy that had governed his conduct of the litigation throughout, and that might then have appeared to be succeeding, or he might have acted in specific consultation with officials in the Attorney General's office or the Department of Correction or both. The one telephone call between Safron and Irons that defendants have disclosed might have included an agreement to persist in the policy of intransigence and foot-dragging. The affidavits do not allay that possibility. Without going so far as to embrace that possibility, however, it is crystal clear that Petitioners did not act as diligent and conscientious clients in what was obviously not a routine but an important case that the State had lost in this Court once and in the Court of Appeals twice since then. The consistency of the pattern that the District Court and Court of Appeals noted demonstrates that the failure to explain the situation supports the conclusion of the District Court and the Court of Appeals that Petitioners did not carry their burden on this issue.

APPENDIX B

SEVEN FACTUAL ASSERTIONS IN THE PETITION THAT EITHER
(A) HAVE NO SUPPORT IN THE RECORD, OR (B) ARE CONTRARY
TO THE FINDINGS OF THE DISTRICT COURT AND THE COURT OF
APPEALS.

Rule 23 (1)(e) of the Rules of the Supreme Court requires that the Petition contain "A concise statement of the case containing the facts material to the consideration of the questions presented." See also Rule 56(2)(4), Rules of the Supreme Court. The Petition in this case does not comply with that Rule. The Statement of the Case is one-sided and incomplete. It contains factual assertions that are contrary to the conclusions of the courts below or that are unsupported by the record or that are misleading. Those assertions are:

(A) Petition, page 4: ". . . rather than provide law libraries as it [the State of North Carolina] has done for the past eleven years."

The District Court found that Petitioners' "plan for assuring adequate law library facilities has been in existence for over a decade, yet they have consistently failed to implement that plan in a constitutionally adequate manner." 610 F.Supp. at 602. (A. 60.) The District Court also found: Petitioners "are not in compliance with their constitutional obligation to provide inmates of the North Carolina prisons with adequate assistance in their access to the courts. . . . [E]leven years after the court's order, the state has failed to implement that plan. It has proven itself unable or unwilling to insure that its law libraries are constitutionally adequate to meet its inmates' needs." 610 F.Supp. at 603, 606; see also, 813 F.2d at 1301. (A. 62, 67; see also A. 18.)

The Petition nowhere includes even a reference to any of the relevant findings of the District Court or the Court of Appeals.

(B) Petition, Page 5: ". . . the evidence, which was timely made available to their former counsel but which unbeknownst to the defendants was not presented to the district court . . . their former counsel's dereliction of duty, of which the defendants were unaware, and without reason to be aware." See also Petition, Page 12: "Mr. Safron simply did not present evidence of compliance to the District Court, and he never advised the

defendants that it was his intention to abandon them." See also, Petition, Page 1, Questions Presented for Review, Question (1).

The District Court found, and the Court of Appeals agreed, that Petitioners' failure to respond to the December 21, 1984 order was not an isolated incident. "'Clearly, [Petitioners] knew or should have known that counsel had a history of failing to respond to the court's orders. . . . [T]he court concludes that [Petitioners] must share the responsibility for counsel's failure" 841 F.2d at 78. (A. 29.)

See also Appendix A, especially Paragraphs 8 and 9.

The Petition nowhere includes even a reference to any of the relevant findings of the District Court or the Court of Appeals, or to any of the evidence supporting those findings. See page 6 of the Petition, which selectively misrepresents the evidence discussed at paragraphs 8 and 9 of Appendix A, and does not mention that the courts below found against their position on this factual issue.

(C) Petition, Page 8: "The lower courts acknowledged that defendants were most likely in compliance with their law library plan" Petition, page 6: "Simply stated, the district court found the defendants out of compliance because of Mr. Safron's failure to present to the court the evidence" Petition, page 7: "The plaintiffs have never contradicted the defendants' evidence of compliance."

The District Court expressly found that Petitioners were not in compliance. 610 F.Supp. at 602, 603, 606. (A. 60, 62, 67.) In denying Petitioners' first motion for reconsideration, the District Court did observe: "While the materials attached to [Petitioners'] motion do indicate that the state was making efforts to comply with its plan" 657 F.Supp. at 1324. (A. 571.) "Making efforts to comply" does not amount to "most likely in compliance." Even if it thought that it had evidence that Petitioners were making efforts to comply with their plan several years and two appeals after this Court's decision, the District Court did not disturb its finding that Petitioners were in fact not in compliance. Moreover, the District Court made clear that its finding that the State was not in compliance was based on the entire history of the State's decade-old pattern of neglect and delay, and not simply Petitioners' failure to present evidence on one occasion, serious as

that was: "The state's failure to comply with the December 1984 order was quite simply the straw that broke the camel's back and showed that the state has been unwilling or unable to comply with a plan submitted and approved more than ten years ago." 657 F.Supp. at 1324, (A. 572.) Moreover, Respondents advised the District Court (in Plaintiffs' Memorandum in Opposition to the State's Motion for Reconsideration at 22-23) and the Court of Appeals (in the Brief for Appellees at 36 n.1 and in the Answer to Petition for Rehearing at 12) that they disputed Petitioners' claim of compliance. Because the District Court properly denied Petitioners' motion for reconsideration on the basis of the insufficiency of Petitioners' showing, it held no hearing at which Respondents might have contested Petitioners' purported showing of compliance. As the District Court well knew and noted, the history of this case was replete with instances of Petitioners delaying the filing of purported compliance papers (or testimony) as long as possible, then filing voluminous materials that an examination proved inadequate, and of making promises of compliance and then reneging on them without notice to the court or to Respondents. See Appendix A, especially Paragraphs 6 and 7. Thus, the mere filing of voluminous records by Petitioners does not demonstrate compliance. Respondents have taken the positive position in each of the courts below that Petitioners are in fact still not in compliance.

(D) Petition, page 6: The District Court's "finding of noncompliance was entered without the district court receiving any evidence of noncompliance and without the plaintiffs or the district court ever attempting to compel the defendants to provide evidence of compliance."

First, the burden was on Petitioners to show compliance. At the time the District Court entered its finding of noncompliance, the Court of Appeals had twice concluded that Petitioners had failed to show that they were in compliance, and Petitioners had not presented any further showing to the District Court. There can be no dispute that the finding of noncompliance is unassailable on the record before the District Court at the time it made that finding.

Secondly, although Petitioners had the burden of coming forward with a showing of noncompliance, Respondents by several motions attempted to, and the District Court by order did in fact, compel Petitioners to do so. Respondents

simply failed to respond to the District Court's Order of December 21, 1984 or to any of the motions that Respondents filed both before the date of that order and afterwards. They were compelled to do so, yet failed in their own responsibility.

(E) Petition, page 11: "(U)nlike a private citizen, the state officials in this case had no choice of counsel"

That is contradicted by the Petition itself, at page 7: "Immediately upon learning of the May 14, 1985, district court order, North Carolina Attorney General Lacy Thornburg . . . appointed new counsel to represent the defendants." Actually, all that the record shows happened is that Ms. Sylvia Thibuat notified the Court that she was representing petitioners, but Safron continued to be her supervisor and continued to participate actively in the case.

Nothing in the record supports the statement that the state officials who are Petitioners "had no choice of counsel." On the contrary, their affidavits praise Safron so highly that they imply that he was their choice as counsel.

(F) Petition, page 11 n.4: "When these cases were initially consolidated in 1974, Mr. Safron was the only state attorney in the Attorney General's Office of North Carolina who represented the Department of Correction."

1974 was not the relevant time period. By the time of the compliance phase of this litigation, Safron was the Chief of a section with seven or eight attorneys. Moreover, the Department of Correction had its own staff of attorneys headed by Ben Irons II who had previously served under the supervision of Safron in the Attorney General's office and who, as the District Court found, had "been actively involved in this litigation." 657 F.Supp. at 1327. (A. 594.)

(G) Petition, page 13: "Fourth, the harshness of the district court's remedy is evident in the drastic difference in cost of the State's law library plan, \$60,000.00 a year, compared to the estimated cost of the court's attorney assistance plan, \$360,000.00 a year."

Nothing in the record supports any statement about the cost of the State's current plan. There is no evidence to support the \$60,000 figure or any other figure, or any indication of what that figure is based on or what is included. Of course, the lower courts have found that the State's program has never been

adequate to satisfy the state's original plan, so any cost figure is irrelevant.

With regard to Petitioners' projected cost for complying with the order under review, there is no basis for that either. The District Court's order "concludes that the actual budget of the program should be left to the defendants, subject to court review should it appear that the amount budgeted clearly is insufficient to operate a viable program with ten attorneys." 657 F.Supp. at 1332.*

When this case was before this Court in 1977, Petitioners argued that their plan for prison law libraries staffed with trained inmate paralegals was too expensive for the State's limited resources. Bounds v. Smith, 430 U.S. 817 (1977), Brief for Petitioners at 13. Now they argue that the legal services program ordered by the District Court will also be too expensive. The District Court order, of course, embraced the plan submitted by Petitioners after Respondents demonstrated considerable flexibility and willingness to compromise with regard to the size and the cost of the program. Moreover, Petitioners' figure ignores the evidence presented to the District Court that a legal services program may be more cost-effective than the original plan. Attorneys may weed out frivolous claims by explaining to the prisoners why they have no merit, and may negotiate with prison officials at administrative levels on behalf of prisoners with substantial claims. The program would also save the State money in several other respects -- such as by the program foregoing § 1988 attorney fee awards, by the attorneys seeking to correct any inaccurate Department of Correction records to assure timely release of inmates, and by the program saving the cost of appointing counsel in post-conviction cases that it would now handle. Respondents demonstrated to the District Court that the program would be a service to the state, to the Attorney General's office and to the courts, as well as to the inmates. Moreover, Legal Services of North Carolina, which is to administer the

*After the in banc decision of the Court of Appeals affirmed the District Court's Order, Respondents filed a Motion for Clarification of Stay Order asking the District Court to order Petitioners to submit their proposed budget at this time. Petitioners opposed that motion on the ground that they were expending all their energies in this matter in preparation of the Petition and would present a proposed budget to the District Court within 30 days of a denial of the petition or an affirmance by this Court. Thus, Petitioners represented to the District Court that they have no budget on which to base the \$360,000 figure.

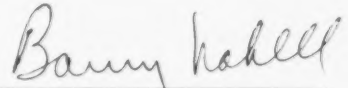
program, agreed to make a substantial contribution to the program in the form of four attorney positions plus the use of its state-wide facilities to help Petitioners meet their constitutional obligation. Petitioners' conclusory cost figure overlooks all the cost-saving aspects of the new program.

CERTIFICATE OF SERVICE

I hereby certify that I have served the enclosed Brief in Response to the Petition for Certiorari on all parties required to be served by mailing a copy, first class postage prepaid, addressed as follows:

Mr. Andrew Vanore, Jr.
Chief Deputy Attorney General
N.C. Department of Justice
Box 629
Raleigh, NC 27602-0629

June 22, 1988



Barry Nakell
Attorney for Respondents

(4)
No. 87-1972

**IN THE
SUPREME COURT OF THE UNITED STATES
October Term 1987**

Vernon Lee Bounds, et al.,

Petitioners,

v.

Robert (Bobby) Smith, et al.,

Respondents.

PETITIONERS' REPLY BRIEF

Lacy H. Thornburg
Attorney General
Andrew A. Vanore, Jr.
Chief Deputy Attorney General
Sylvia Thibaut
Assistant Attorney General
Counsel of Record
N.C. Department of Justice
Post Office Box 629
Raleigh, North Carolina 27602-0629
Telephone (919) 733-7387
Attorneys for Petitioners

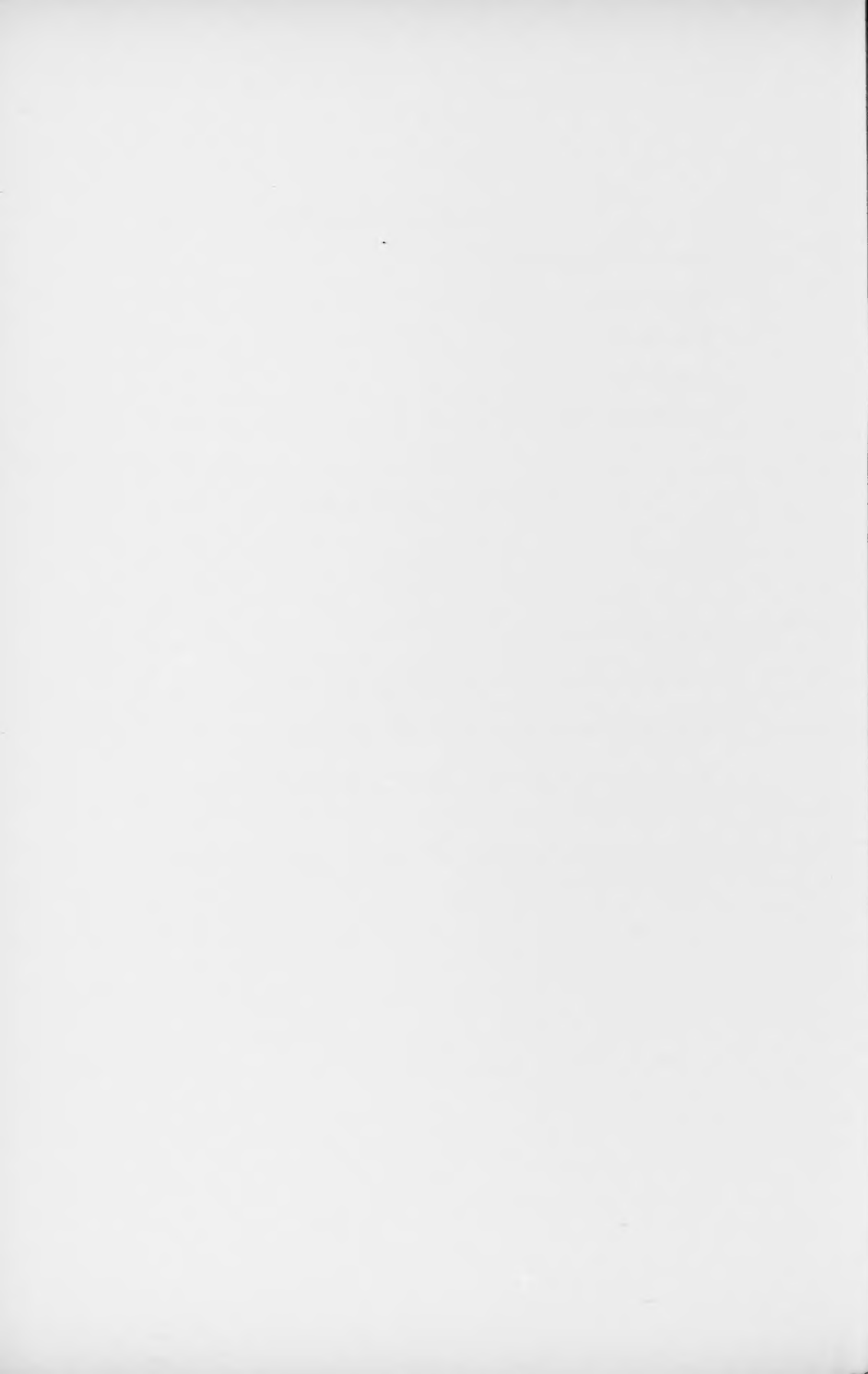
TABLE OF CONTENTS

Table Of Authorties	i
Introduction	1
Argument	2
Conclusion	7
Certificate of Service	8

TABLE OF AUTHORITIES

CASES

<i>Bounds v. Smith</i> , 430 U.S. 817 (1977)	4
<i>Bounds v. Smith</i> , 813 F.2d 1299 (4th Cir. 1987)	4
<i>Bounds v. Smith</i> , 841 F.2d 77 (4th Cir. 1988)	2
<i>Harrington v. Holshouser</i> , 741 F.2d 66 (4th Cir. 1984) (<i>Harrington II</i>)	5
<i>United States v. Paradise</i> , 480 U.S. ____, 94 L.Ed.2d 203, 107 S.Ct. 1053 (1987)	6,7



No. 87-1972

**IN THE
SUPREME COURT OF THE UNITED STATES
October Term 1987**

Vernon Lee Bounds, et al.,

Petitioners,

v.

Robert (Bobby) Smith, et al.,

Respondents.

PETITIONERS' REPLY BRIEF

The petitioners respectfully submit the following brief, pursuant to Supreme Court Rule 22, in reply to respondent's brief opposing the Petition for Writ of Certiorari.

INTRODUCTION

The two issues for review in this case are (1) whether the lower courts ignored exceptional circumstances justifying an opportunity for petitioners to present evidence that they are in compliance with the approved law library plan and, (2) whether the lower courts violated the law of this case by ordering petitioners to replace their law library plan with a lawyer assistance plan. Respondents' brief in opposition to the petition contains two arguments first raised in that brief concerning these issues. First, respondents argue that petitioners, the Attorney General, and both their predecessors were not only aware of Jacob Safron's failure to comply with court orders, but actually directed him to do so as part of a "litigation strategy" to avoid or delay implementation of the law library plan. Second, respondents argue that the district court has broad equitable powers authorizing its departure from the law of the case. These new arguments necessitate a reply under Rule 22.2 of the Rules of this Court.

ARGUMENT

I. THERE IS NO EVIDENCE TO SUPPORT RESPONDENTS' CONSPIRACY THEORY.

A. The Record Shows That Petitioners Were Unaware of Mr. Safron's Inaction.

The *en banc* opinion of the Fourth Circuit Court of Appeals upheld the district court's conclusion that petitioners had to share in Mr. Safron's inexcusable neglect of the December 21, 1984 order because they "knew or should have known that counsel has a history of failing to respond to the court's orders." *Bounds v. Smith*, 841 F.2d 77, 78 (4th Cir.1988). (A-29) This conclusion is clearly erroneous. The dissent correctly pointed out that there was no evidence to support such a conclusion. 841 F.2d at 82. (A-36,38) However, respondents have not only embraced the majority's statement, but have contorted it to fit their theory that petitioners, the Attorney General, and their predecessors, were engaged with Mr. Safron in a "deliberate strategy" of delay spanning more than a decade, two departments and two administrations. Neither the *en banc* majority opinion nor the record supports this incredible theory.

The *en banc* majority did not find that petitioners and the Attorney General plotted with Mr. Safron to ignore the district court's December 21, 1984 order or that they were actually aware of his failure to respond. The most that can be drawn from the majority's conclusion is that petitioners' failure to monitor Mr. Safron more closely after December 21, 1984 was not excusable because they knew or should have known that he had failed to timely respond in the past. However, there is absolutely no evidence in the record that the petitioners were ever informed of Mr. Safron's previous untimely responses nor did the district court ever issue any reprimand either to Mr. Safron or to the petitioners which could have alerted them to Mr. Safron's failures. Nevertheless, respondents unabashedly state in their brief that the majority "concluded that the most recent default was...the product of a deliberate strategy." (Respondents' Brief, p. 10)

Respondents then attempt to support the conspiracy argument with "facts" that are purely products of the imagination. For example, they state, as though it were an established fact, that the Department of Correction's chief in-house counsel, Mr. Irons, and a staff member, Barbara Shaw, "were aware that [Safron] had not responded to the district court's December 21, 1984 order." (Respondents' Brief, p. A 2)¹ However, the *uncontradicted* evidence in the record is that (1) Irons directed Shaw to gather the materials relevant to compliance (A-77; A-577); (2) Shaw did so and forwarded revised policies concerning the photocopying issue to Safron (A-77-78); (3) Irons was told by Safron that he would get back to Shaw if he needed more material (A-577) and, (4) Shaw assumed that Safron had taken care of the matter and did not need further affidavits or information when Safron did not get back to her. (A-78)

As further support for their complicity theory respondents assert that Irons and Safron actually agreed to delay responding to the December 21, 1984 order during a telephone conversation in January of 1985. (Respondents' Brief, p. A 14) However, that assertion is not based on any fact in evidence, but rather on respondents' suggestion that since Irons did not say in his affidavit that he asked Safron for an assurance of timely response to the district court's order that "it is more likely that they agreed that Safron not respond in timely fashion." (Respondents' Brief, p. A 14) This is innuendo, not evidence, and it must be rejected.

Finally, respondents suggest that Attorney General Lacy Thornburg must have known of and condoned Safron's failure since "Safron himself was a member of the Attorney General's staff," (Respondents' Brief, p. A 3), and since he did not dismiss Safron afterward. (Respondents' Brief, p. A 2) These unwarranted conclusions

1 Much of respondents' argument is contained in the parts of their brief designated as "appendices" which, when added to their brief, constitute a total of forty-two pages. This is a flagrant attempt to circumvent this Court's thirty page limitation in Rule 22.

fly in the face of the record which contains the uncontradicted affidavit of Attorney General Thornburg that he did not assume office until January 5, 1985 and did not become aware of the district court's December 21, 1984 order, or Safron's non-compliance with it, until the order of May 15, 1985. Further, the suggestion that Thornburg should have dismissed Safron in order to show appropriate contrition serves better as evidence of a degree of respondents' vindictiveness than as evidence of complicity by the Attorney General.

As shown above, respondents have grievously misinterpreted the majority's holding in this case that the district court's conclusion that petitioners are accountable for Safron's failure to respond to the December 21, 1984 order since they knew or should have known of his previous tardiness, was not "clearly erroneous." *That holding is itself unsupported* since, as pointed out by the dissent, there is no evidence that petitioners or the Attorney General, who assumed office in January of 1985, were in fact aware of Safron's prior failures. Further, the conclusion that petitioners "should have been aware" of those failures is not a finding of fact subject to the "clearly erroneous" standard of review, but is a conclusion of law tantamount to a holding that state officials are strictly liable for the transgressions of the attorneys assigned to them. However, that is not, and should not be, the law.

B. The Petitioners Are In Compliance With Their Law Library Plan.

The respondents claim that the petitioners have never been in compliance with the law library plan this Court approved in 1977. *Bounds v. Smith*, 430 U.S. 817 (1977). However, in fact, the district court has twice found the petitioners in compliance with their plan, dismissing the case each time. (A-54; A-56) Two different federal judges, the Honorable John D. Larkins and the Honorable Franklin Dupree, entered the dismissals. (A-54; A-56) And, in the Fourth Circuit's most recent panel decision, the court stated that "[t]he documents submitted to the district court in support of the [petitioners'] motion for reconsideration indicated that the state law library system may have been in compliance with constitutional requirements." *Bounds v. Smith*, 813 F.2d 1299, 1303 (4th Cir. 1987). (A-22)

Moreover, the attachments to the petitioners' initial motion for reconsideration (A-70) contained information and documentation demonstrating that they are in compliance with their law library plan. (A-76 through A-569)

On the Fourth Circuit's last remand to the district court in this matter, which precipitated the district court order of December 21, 1984, only three issues were left for a determination of compliance: (1) availability of photocopying for indigent inmates, (2) training of inmate paralegals, and (3) actual use versus requested use of the law libraries. *Harrington v. Holshouser*, 741 F.2d 66 (4th Cir. 1984) (*Harrington II*). (A-6) Those issues were specifically addressed in the attachments to the petitioners' initial motion for reconsideration. Documents of actual law library logs demonstrated compliance with the photocopy and access issues, and documentation of training workshop materials for five law library paralegal workshops held during the time period including February, 1983 through June, 1985 demonstrated compliance with the paralegal training issue.

The petitioners, contrary to respondents' allegations, had no reason to delay response to the district court's December 21, 1984 order to show compliance for they had nothing to gain by such delay. *They were in compliance*. They had the documentation to prove they were in compliance. They made that documentation available to their counsel, Mr. Jacob Safron.

Moreover, the respondents' reference to the petitioners' efforts to comply with their law library plan as a "chronology of failure" is a complete misrepresentation of that quotation, both as to its meaning and to its intent. The "chronology of failure" statement comes from the Fourth Circuit's decision rendered August 14, 1984, which remanded the case to the district court for fact findings. 741 F.2d 66, 69. (A-12) The statement was made with specific reference *only* to training of inmate paralegals, and not to any other aspect of the petitioners' law library plan. (A-11, 12) Further, even after noting this deficiency, the Fourth Circuit specifically rejected the respondents' request that trained lawyers replace the law library plan. (A-12)

In summary, the petitioners have not delayed implementation of a constitutionally acceptable law library system. The petitioners may have encountered problems with full implementation, such as the difficulty in finding professionals to train inmate paralegals, but those problems were overcome and the petitioners were in compliance with their law library plan when their former counsel failed to respond to the district court's December 21, 1984 order to show compliance. Petitioners seek only their day in court.

II. THE DISTRICT COURT VIOLATED THE LAW OF THIS CASE.

The respondents argue that the district court did not violate the law of this case but simply used its equitable power to "assure an effective remedy." (Respondents' Brief, p. 15) In support of this statement, the respondents rely, almost entirely, on *United States v. Paradise*, 480 U.S.____, 94 L.Ed.2d 203, 107 S.Ct. 1053 (1987). *Paradise* is, however, clearly distinguishable from the case at bar. *Paradise* concerned the Alabama Department of Public Safety's persistent failure to develop and propose a promotion plan which would eliminate racial discrimination. The petitioners in the case at bar have had their court approved law library plan in effect for many years.

Further, the remedy imposed by the district court in *Paradise* was a temporary one, which was extremely limited in nature and its duration was strictly dependent upon the defendants' own actions. 94 L.Ed.2d at 230-31. The remedy imposed by the district court in the case at bar, replacement of law libraries with licensed attorneys, completely eliminated the right given to the petitioners by this Court to choose their own remedy and is permanent, rather than temporary, in nature.

Justice O'Connor's dissent in *Paradise*, joined in by Chief Justice Rehnquist, Justice Scalia, and Justice White, emphasizes the very points the petitioners have raised in the case at bar: (1) the district court failed to attempt any alternatives, such as a contempt order, or fines, or sanctions, or a combination of penalties, prior to entering its remedy, and, (2) the lack of discussion of other options by the dis-

strict court reveals that there was no "balancing process" used by the district court in fashioning its remedy. 94 L.Ed.2d at 241-43.

This Court gave the petitioners the right to choose the method of providing inmates access to the courts. That right was taken from the petitioners in the present case by default, and without the district court ever considering alternative options to require the petitioners to show compliance with their plan *and* with no discussion of why other options would not be appropriate. This was a clear violation of the law of this case.

CONCLUSION

For the reasons stated above, as well as all the reasons set forth in the petitioners' Petition for Writ of Certiorari, the petition should be granted.

This the day of July, 1988.

Respectfully submitted,

LACY H. THORNBURG
Attorney General

Andrew A. Vanore, Jr.
Chief Deputy Attorney General

Sylvia Thibaut
Assistant Attorney General
Counsel for Petitioners
State of North Carolina
N.C. Department of Justice
Post Office Box 629
Raleigh, North Carolina 27602
Telephone: (919) 733-7387

CERTIFICATE OF SERVICE

I hereby certify that three (3) true and correct copies of the foregoing Petitioners' Reply Brief have been served upon the following by depositing three (3) copies of the same in the United States Mail, postage prepaid, addressed to:

Mr. Barry Nakell
Professor of Law
The University of North Carolina at Chapel Hill
Van Hecke-Wettach Hall 064A
Chapel Hill, North Carolina 27514

This the 12th day of July, 1988.

Sylvia Thibaut
Assistant Attorney General
Counsel for Petitioners

